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THE NEW REPUBLIC

NOV 5 1985

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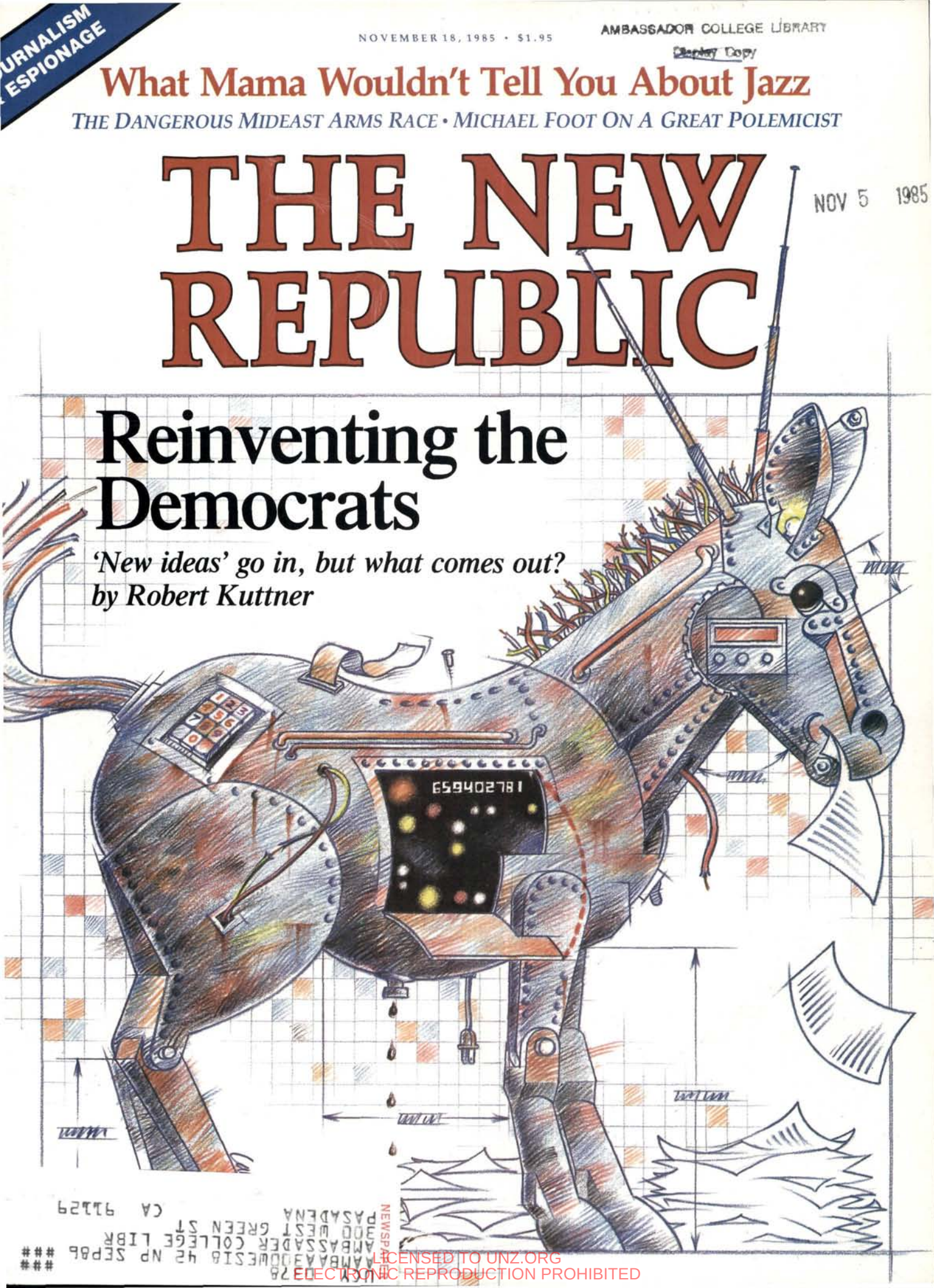
by Robert Kuttner



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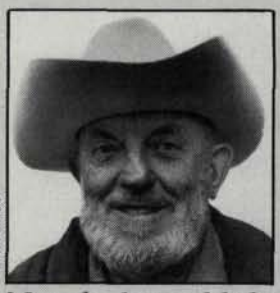

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4 **TRB FROM WASHINGTON** ..... THE TORT EXPLOSION
A new nightmare of judicial activism.

6 **CORRESPONDENCE** ..... Dueling tax plans, fueling Farrakhan, &c.

7 **THE EDITORS** ..... DO LOOSE LIPS SINK SHIPS?
The misguided prosecution of a self-promoter.
WITCH-HUNT ON CAMPUS
The unwelcome emergence of Accuracy in Academia.
NOTEBOOK
Freedom for freelancers, revolutionary joggers, &c.

11 **FRED BARNES** ..... WHITE HOUSE WATCH: SPLIT IN THE RANKS
Republicans rebel against tax reform.

12 **JACOB WEISBERG** ..... ON THE HILL: DO AS I SAY
People who make the rules should abide by them.

16 **JEFFREY TOOBIN** ..... RICO AND THE MAN
Lawyers cash in on the latest legal loophole.

17 **WILLIAM R. BEER** ..... VIEW FROM THE TRENCHES
At Brooklyn College, affirmative action stirs racial tension.

19 **HIRSH GOODMAN** ..... THE SHORTER WICK
The explosive implications of selling sophisticated weapons to King Hussein.

23 **ROBERT KUTTNER** ..... WHAT'S THE BIG IDEA?
After five years of conferences, studies, and position papers, the Democrats have done the anguished reappraisal routine long enough.

28 **STANLEY KAUFFMANN** ..... ON FILMS: FALL ROUNDUP
Macaroni, *Twice in a Lifetime*, *The Doctor and the Devils*—in turn silly, sexist, phony.

30 **ROBERT BRUSTEIN** ..... ON THEATER: THE CLASSICAL AVANT-GARDE
Clytemnestra and *Seven Deadly Sins* reinterpreted.

33 **JAMES LINCOLN COLLIER** ..... THE FAKING OF JAZZ
How left-wing politics inspired two big lies about the history of jazz.

40 **STANISLAW BARANCZAK** ..... FROM GREENE TO GRASS
Atrocity and Amnesia: The Political Novel Since 1945 by Robert Boyers

44 **RICHARD GILMAN** ..... EMPTY VASTNESS
Adventures in the Alaskan Skin Trade by John Hawkes

45 **MICHAEL FOOT** ..... PASSIONATE DEMOCRAT
The Last Dissenter: H. N. Brailsford and His World by F. M. Leventhal

48 **ANNE TYLER** ..... SPOTS OF TIME
Midair by Frank Conroy

51 **CAMBRIDGE DIARIST** ..... TERRORISTS AND PACIFISTS

COVER by Allen Carroll for THE NEW REPUBLIC. Article on page 23.

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FROM WASHINGTON

THE TORT EXPLOSION

A court in Kansas has awarded ten million dollars, including eight million dollars in punitive damages, to a man who got polio after his daughter took the Sabin oral polio vaccine. A jury ruled that it is "outrageous" to sell the Sabin vaccine when the Salk vaccine is safer. The Salk vaccine *is* safer, in that the Sabin is a live virus that causes about four polio cases a year out of 24 million doses. On the other hand, the Sabin is more effective. Ten or 20 Americans a year get polio now, compared to several thousand a year during the Salk era. That, among other reasons, is why it is official U.S. policy to prefer the Sabin vaccine. But if this case becomes a precedent, no one will make the Sabin vaccine and that policy will be overruled.

When people fret about unelected judges making important social policy, they usually have in mind the Supreme Court's rulings about the Constitution. But another kind of judicial activism is coming to have an equal or greater effect on life in America. That is the explosion in tort law, set off primarily by state courts. Fear of lawsuits and inability to get insurance are affecting drug companies, municipalities, corporate directors, doctors, rock concert promoters, and others as surely as if the government had issued new laws or regulations. Many of these new judge-made regulations are ones no sane government would ever consider.

A Supreme Court ruling can take effect almost overnight. Tort law, by contrast, operates on a long fuse. A new development can take a couple of decades to percolate through the legal system, drive up insurance rates, and begin to affect everyday life. Little-remarked decisions of the past two decades are only now coming back to haunt us.

In one sense, the coming tort crisis is just another example of the paradigmatic problem of modern American government: our inability to take action for the general public good if it harms identifiable individuals. Trade protectionism, tax loopholes, and overgenerous entitlements are all part of the same dilemma. But courts add their own special madness. They blithely set policy on complex subjects about which they have no expertise. They are institutionally inclined to focus on the costs of whatever behavior they have under scrutiny, without regard to the benefits.

Under our federal system, the same policy issue can be litigated again and again across the land, with similar or opposite results. However, since the plaintiffs tend to be local and the defendants from out-of-state, there is an inevitable tendency to follow the lead of whatever state has been most aggressive in finding liability.

The idea of tort law is that if my misbehavior causes you harm, I should pay you money to make up for it. Trial lawyers have worked wonders to overcome all these tiresome limitations—fault, causation, harm, damages—in recent years. Punitive damages—payments beyond all compensation for actual loss—used to be reserved for virtually criminal conduct. Now they are almost routine, and can be assessed again and again when a product or incident leads to multiple lawsuits. Courts have become far more imaginative in their definitions of actual harm as well, awarding large sums for emotional distress, fear of getting cancer (as opposed to actually getting cancer), and so on. Where it's impossible to know whether the defendant's activity actually caused the plaintiff's harm—did the victim get cancer from living downwind of a nuclear testing site, or just from living?—courts have held that the defendant must prove it *isn't* responsible, which is impossible.

But the biggest advances have been made in dispensing with the notion that you must have done something wrong in order to be held liable. No human endeavor is risk-free. If you can't plausibly be accused of failing to eliminate all risk, you can be accused of "failure to warn" of the risk that remains.

The first successful suit against the Sabin vaccine, in 1968, turned on the manufacturer's failure to warn recipients of the infinitesimal chance of catch-

continued on page 50

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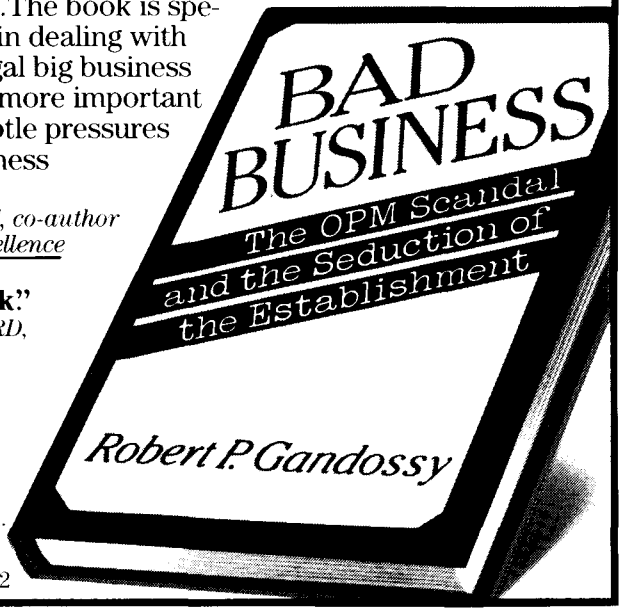

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It happens almost every day. Somewhere in the United States a news story breaks, and within minutes a familiar pattern of local and national television coverage is rapidly set in motion.

A recent example:

August 2, 1985, 6:00 p.m.: Delta Airlines Flight 191 from Fort Lauderdale crashes at the Dallas-Fort Worth Airport. A news team from WFAA-TV Channel 8, the ABC affiliate in Dallas, is the first on the scene.

By 6:30 p.m., WFAA-TV begins live coverage from the airport and continues throughout the evening. The WFAA-TV footage is fed by satellite to ABC News headquarters in New York. The ABC Television Network breaks into its regular programming with live bulletins from Dallas. Another story had already been chosen for that night's edition of "ABC News Nightline." But host Ted Koppel and the show's producer quickly switch to the Dallas story. Within hours, "Nightline" airs a full report, including a live interview with WFAA-TV's reporter on the scene.

The networks have their own bureaus in major cities and overseas. They can dispatch correspondents, cameramen, technicians, and equipment rapidly to the site of a breaking news story, almost anywhere in the world. Once there, they bring live pictures and reports instantaneously to American viewers via satellite—whether it be the hijacking of an Italian cruise ship in the Mediterranean, the Mexico City earthquake, or the hostage crisis in Beirut.

But for domestic coverage, the best allies the network news departments have are their affiliated stations. ABC, for example, has the benefit of 214 "unofficial news bureaus" in addition to our own—the news departments of our affiliated stations. We provide affiliates with a daily program service, including national and international news coverage. They share their local news coverage with us for inclusion in the national service when that is warranted. Scarcely a day passes without footage from one or more affiliates appearing on "World News Tonight."

It is an effective relationship, one of the reasons that television has become the major source of news and information for most Americans and, opinion surveys show, the most trusted. It is one of the reasons Americans are the best-informed people in the world.

AS THE NATION WATCHES

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CORRESPONDENCE

RON V. ROSTY

To the editors:

In a recent column, TRB praises the president's tax overhaul program as a true tax-reform measure, and asserts that the alternative put forward by House Ways and Means Committee chairman Dan Rostenkowski is inferior ("Who Killed Tax Reform?" October 28). If, by tax reform, TRB means cracking down on the loopholes that allow so many major corporations and wealthy individuals to avoid paying their fair share of taxes, his analysis is 180 degrees off.

The Reagan plan enlarges the single biggest corporate loophole in the tax code—accelerated depreciation write-offs—while the Rostenkowski plan closes that critical loophole. As the Treasury Department clearly states in its explanation of the Reagan program, the administration's proposed depreciation system is *much more generous* than current law for every type of asset. It was explicitly designed to exempt from tax about half the profits from equity-financed investments in new machines and buildings. In other words, the "effective tax rate" on profits from such investments will be half the statutory rate. This means that, for even modestly leveraged investments, the effective tax rate will be *negative* under the Reagan plan.

Under the Rostenkowski plan, on the other hand, tax depreciation is based on the way machines and buildings actually wear out. As a result, the effective tax rate on profits from new investments will equal the statutory corporate tax rate—even for leveraged investments in most cases.

The much-trumpeted corporate tax increase in the Reagan plan is only a short-term aberration. Almost half the 1986-90 increase is accomplished by a temporary gimmick (recapture of profits previously sheltered using current law's Accelerated Cost Recovery System). By 1990, the Rostenkowski program entails a 65 percent bigger increase in corporate taxes than does the Reagan proposal, according to the Joint Committee on Taxation. The Congressional Budget Office predicts that, by the early to middle 1990s, the Reagan plan would "probably provide a corporate tax reduction"!

The truth is that, because of such things as its new and more generous depreciation system, its retention of special breaks for oil drilling, its proposed 50 percent exclusion for capital gains, and its only token minimum tax, the Reagan plan will continue to allow not only major corporations but also large numbers of wealthy individuals to pay little or nothing in federal income taxes. The Rostenkowski plan's curbs on accelerated depreciation and oil breaks, along with its tough, comprehensive minimum tax, will significantly reduce, if not eliminate, most tax shelters, and will make it far more difficult for the nation's wealthiest citizens to avoid taxes entirely.

ROBERT S. MCINTYRE
Citizens for Tax Justice
Washington, D.C.

GUT REACTION

To the editors:

In one of Fred Barnes's recent articles, he stated that former attorney general William French Smith did not have "the stomach" to confront the quota issue ("White House Watch: Meese in Command," October 7). One wonders where Mr. Barnes has been for the last four-and-a-half years.

The policy that rejected quotas as an effective remedy to eliminate discrimination was initiated, announced, and implemented by then-attorney general Smith in the early months of 1981. Indeed, the blueprint for the civil rights policy of this administration was clearly stated by him before the American Law Institute in Philadelphia in May of 1981. Despite strong denunciation by its opponents, that policy has been vigorously and publicly enforced from that time on. What has happened since has been in further implementation of that policy.

MYRA L. TANKERSLEY
Former confidential assistant
to the attorney general
Los Angeles, California

FARRAKHAN INFLATION

To the editors:

Julius Lester gave vivid examples of the evil bigotry of Louis Farrakhan ("The Time Has Come," October 28). But has there ever been a more farfetched claim than the one that began his piece? ("The appearance of Louis Farrakhan at Madison Square Garden on October 7 demonstrated, without doubt, that he is now America's preeminent black leader.") Lester's reasoning, elaborated in the rest of the paragraph, was that since Farrakhan drew a bigger one-night crowd than Jesse Jackson might have, he obviously mattered more.

For the last nine months, Bruce Springsteen has been attracting overflow crowds in America and half of Europe, and in any given country he is a safe bet to outdraw the head of state. Is he therefore the preeminent white leader of the Western world? Attendance soars at Chavez Ravine when Fernando Valenzuela is scheduled to pitch. Is he our preeminent Hispanic leader? Tom Bradley is mayor of our second-largest city and came within an inch of becoming governor of our largest state; Harold Washington, Wilson Goode, Andrew Young, and Coleman Young have been elected to run major cities; Thomas Sowell, William Raspberry, and Glenn Loury have been shaking things up on the intellectual front; and Jesse Jackson convinced millions of people to give him their votes. Doesn't any of this count for leadership, compared to the 25,000 who turned out to hear Farrakhan rant?

Farrakhan does appear to speak for a segment of the black urban underclass—and since he (and his followers) have no other form of power, they make the most of the form they have, which is demagoguery. But Father Coughlin was also a demagogue who drew big angry crowds, and so was George Wallace in 1968. Did that make either of them the preeminent white leader of the day?

I can't wait to read Lester's conclusions after he's checked the Nielsen ratings for "The Cosby Show" or seen tapes of the Central Park concert (attendance: 100,000) given by Diana Ross.

JAMES FALLOWS
Washington, D.C.

A DIFFICULT LESSING

To the editors:

If Doris Lessing ever returned to the practice of reading reviews, I am certain she would feel flattered to find applied to her work (as in Pearl K. Bell's "Bad Housekeeping," October 28) some of the same adjectives used in early reactions to James and Joyce:

continued on page 50

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THE NEW REPUBLIC
NOVEMBER 18, 1985

DO LOOSE LIPS SINK SHIPS?

The plot is as unlikely as anything you've seen in a Pink Panther movie. A mild-mannered American bureaucrat swipes some classified photos of Soviet ships, gives them to a British military magazine, and winds up being caught and convicted of espionage by the United States. Implausible, right? After all, the British are on *our* side, the Soviets are the *enemy*, and it isn't spying to give information to the press, especially when the information is published without ado by major American newspapers.

Strange, but true. On October 17, 1985, a jury in the Baltimore Federal District Court found Samuel Loring Morison, grandson of a renowned American naval historian, the late Samuel Eliot Morison, guilty of violating the U.S. Espionage Act. FBI agents arrested Morison at Dulles International Airport last year as he was about to board a jet for England. The Justice Department charged Morison, a civilian analyst of Soviet ships and naval weapons systems for the U.S. Naval Intelligence Support Center outside Washington, with the unauthorized disclosure of three satellite photographs depicting a Soviet aircraft carrier under construction in a Black Sea shipyard. Morison also illegally possessed hundreds of classified government documents, including excerpts from weekly intelligence reports.

Morison stole the photographs from a colleague's desk in July 1984 and sold them to *Jane's Defence Weekly*, a London military journal published by the same company that has put out the authoritative annual *Jane's Fighting Ships* since 1898. The magazine's reputation for accuracy on Soviet bloc forces derives in part from the widespread suspicion that Western intelligence sources supply it with classified information. *Jane's* ran the photos, which were also distributed to U.S. wire services, a month later. *Jane's* also published an article based on a memorandum that Morison compiled from intelligence reports.

If the verdict stands, Morison will be the first American ever convicted of espionage for passing top secret documents to the press. Former Defense Department official Daniel Ellsberg and Rand Corporation analyst Anthony Russo were tried in 1973 for leaking the Pentagon Papers to the *New York Times*, but the prosecution had to be dropped in the middle of the trial because of government misconduct during the investigation. Now representatives of the press who remember the Ellsberg case are worried that Morison's conviction will lead to a de facto "official secrets act" that will eliminate previously routine disclosures of classified information vital to public discussion of defense policy.

The Reagan administration is indeed out to plug all leaks that it believes are a threat to U.S. national security. The Justice Department, in deciding to prosecute Morison, made it clear that it did not care who actually received the purloined photos, be it the KGB or *Jane's Defence Weekly*. "Foreign agents read that magazine," insisted a Justice Department lawyer. Nor does the administration feel compelled to prove subversive intent on the part of Morison or anyone else who makes unauthorized disclosures of classified material. The Justice Department's bottom line is: think twice before you blow the whistle on the Pentagon or tattle to the *New York Times*; you may end up in prison.

Such a policy goes against the letter of the law, even apart from First Amendment considerations. The 1917 Espionage Act, upon which the government based its indictment of Morison, prohibits the transmission of classified material "to any person not entitled to receive it," but Congress has repeatedly avoided amending the act to make it a crime to reveal information to the press. In prosecuting Morison, the government is circumventing Congress in an attempt to write new laws through the courts. So far, it has succeeded.

Yet Morison lacks the makings of a martyr. Ellsberg and Russo compromised security restrictions in the hope of stimulating public discussion on the Vietnam War. Morison violated the rules solely to advance his own career. He was receiving $5,000 a year as American editor of *Jane's*, but evidence obtained by the FBI from a search of Morison's apartment after his arrest indicated that he had sent the classified photos in the hope of securing a full-time job with the London magazine. "My loyalty to *Jane's* is above

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question. I'd rather quit here than there," Morison wrote in a letter to his British boss.

It seems unlikely that Morison's unscrupulous ambitions aided the Soviets. Government witnesses at the trial did claim that there has never been an authorized release of photos taken by the American KH-11 reconnaissance satellite, and a naval officer testified that such disclosures could give the Soviets "a window on the naval intelligence process." That window, though, has been opened before. A former CIA agent sold the KH-11 technical manual to the KGB in 1978. Morison's disclosure was reckless but probably not damaging.

The Pentagon is at least partly to blame in the Morison affair. Moonlighting for a military magazine seems like an obvious conflict of interest—not to mention a dangerous security risk—and yet Morison held his part-time position with *Jane's* with the full knowledge and approval of the Department of Defense. Secretary Caspar Weinberger has already begun limiting clearance to top secret materials in the wake of a series of recent spy scandals. Now he must also put a limit on the number of loyalties a DOD employee should answer to.

What Congress and the courts must do is clarify the ambiguities of the Espionage Act itself. The act and the Morison verdict both fail to distinguish between true espionage and unauthorized use of government documents for personal gain. Espionage, correctly defined by the *New York Times* as "the clandestine delivery of secrets to a foreign power," is not the same as irresponsibility. As interpreted by the Baltimore jury, the act allows the attorney general to choose which leaks are permissible and which are to be prosecuted. That leaves far too much power in the hands of the government to curb free debate of military issues, and endangers the ability of the press to report the news. The mere fact that information has been classified should not be enough to warrant prosecution. If every leak to the press of classified military information led to prosecution for espionage, the entire defense establishment from Weinberger on down would probably have been indicted by now.

ONE WAY Washington can begin to get at the Morisons in our midst without threatening the press or whistle-blowers is by reducing the already massive amount of classified papers and the overblown number of employees with access to them. As for curbing those who still commit clandestine mischief, we would agree with Admiral Stansfield Turner, former head of the Central Intelligence Agency, who suggests that reprimands or dismissals would be far more appropriate than criminal indictment in situations such as Morison's.

A revised espionage act should not exempt from prosecution the *public* delivery of secrets to a foreign power. Obviously, if John and Arthur Walker had published the secrets they stole rather than selling them to a Soviet agent in Washington, the government still would have been justified in taking them to court. But in cases where alleged secrets are made public, the government ought to bear an even heavier burden of proof than in covert spying cases. Prosecutors should not only have to prove that classification of the leaked information was appropriate in the first place; they should also be required to demonstrate that the accused intended to compromise U.S. national security—and succeeded in doing so.

Under such a law Samuel Loring Morison would never have been prosecuted. Certainly he has disgraced his family's proud naval tradition and deserves to lose his job. But he does not deserve to share a prison cell with the likes of the Walker gang.

WITCH-HUNT ON CAMPUS

Every so often the ghost of Joe McCarthy stirs, and a grim shadow is cast upon some principle of civil society. The latest recrudescence is an organization called Accuracy in Academia, a junior sibling of Accuracy in Media, the right-wing scourge of journalism. AIA has mobilized trusted college and university students across the country to monitor the truthfulness and biases of suspect professors. Given the radical political culture of the late 1960s and early 1970s, it's only natural that many younger and even middle-aged academics will fall afoul of AIA's standards of permissible heterodoxy. The fact that there are now many Marxists, neo-Marxists, crypto-Marxists, and adepts of other leftist illuminations on our faculties is not without consequence for the future of American intellectual life. The map of learning, especially in the humanities and social studies, is changing as a result. There are some fields of inquiry, long dormant or even dead, that the radical currents have invigorated, and scholarship is the richer for it. There are also some new prevailing dogmatisms, not more tolerant certainly, and quite probably less, than those they replace.

But this is no excuse for an offensive enterprise in policing thoughts. Among AIA's targets are figures of great and justified eminence, including Latin American historian John Womack at Harvard and economist Sam Bowles at the University of Massachusetts. They are not endangered. But less famous professors from less famous institutions are not so secure. In the 1950s most of McCarthyism's academic victims were such people.

There are also some targets whose work is suffused with propaganda, like Howard Zinn of Boston University. But there always have been true believers and ideological flacks in our educational institutions. Our system is not damaged by them, even if some undiscerning students are persuaded by their silliness. It's not a big price to pay for liberty. From the historical perspective at least, it's been part of the glory of the system during the last three decades that, on balance, it has unself-consciously absorbed such figures—left and right.

There are more recent precedents for Accuracy in Academia than McCarthyism itself. Only yesterday, conserva-

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tive professors sometimes were victimized for failing to meet the narrow standards of permissible heterodoxy of left and left-liberal vigilantes in the academy. For years, Harvard psychologist Richard Herrnstein was exposed to ideological harassments that make AIA's seem quite tame. Around the nation, censors of the left also have succeeded in keeping intellectuals of whom they disapprove from speaking on university rostrums. We wouldn't be surprised to find that many of those most outraged by AIA's outrageous behavior, perhaps even some who are objects of it, have been too eager to silence others. Whoever does that does not understand either freedom or universities.

NOTEBOOK

□ FIRST AMENDMENT, CONTINUED: A California judge has sent a freelance writer named Christopher Van Ness to jail for ten days and fined him $1,000 for refusing to turn over tapes of conversations he had with Cathy Smith, the woman accused of contributing to the death of actor John Belushi. California has a "shield law" protecting reporters from having to reveal their news sources. But the judge held the law doesn't apply since Van Ness isn't formally associated with an established news organization. For years TNR has been predicting that the press's demands for special privileges under the First Amendment would lead to impossible dilemmas like this one. On the one hand, any attempt to define who gets such privileges puts the government in the business of certifying who is and is not a member of "the press," inevitably favoring establishment voices over dissidents. On the other hand, a right not to cooperate with the judicial process must be severely limited or that process will collapse. These days, who isn't a freelance writer? It's important to keep in mind that special press privileges don't involve the right to *speak*. They involve an assertion of the right *not to speak*. For reasons both of principle and of public relations, the press should concentrate on being the zealous guardian of free speech itself, a right that can and should be universal.

□ AFRAIDS, CONTINUED: Parents of more than half the students at an elementary school in New Jersey have kept their kids home because school officials refuse to throw out the nine-year-old *brother* of a girl with an AIDS-related disorder (not the disease itself). This is insanity squared. It's time for our political leaders, including President Reagan, to show some leadership on the AIDS issue. An estimated one million people are now infected with the AIDS virus. Most will never get the disease, but all are carriers and many have been so for several years. During that time they have been in close daily contact with coworkers and even closer contact with family and friends—sharing food, bathrooms, etc. Yet after extensive investigation and testing there is *no known case*—not one—of AIDS infection being transmitted by nonsexual social contact. It's only natural for parents to be alarmist about their children, but the victims of this unnecessary alarm are somebody's children, too. Who will speak for them?

□ J'ACCUSE: Justice Sandra Day O'Connor has distinguished herself with a tough line against criminals. Now comes the revelation that she is hardly entitled to cast the first stone. The *Stamford* (Connecticut) *Advocate* has published an open letter to O'Connor from a former college classmate. Noting O'Connor's dissent from a decision holding it improper for police to shoot a teenager fleeing with a purse containing ten dollars, Mary C. Scarlott writes: "Bear with me through a scenario. It is of a young woman, observed making tracks from a telephone booth, shot by a passing policeman who hears the operator requesting payment for a just-terminated call. It comes to mind because, as you may remember, the last time we spoke was when you called me long distance from a pay telephone in Kansas, and—with your feet—declined to pay." Scarlott confesses that she "refused the operator's invitation to identify you," but now wonders whether she did the right thing.

□ THEY CAN RUN, BUT . . . When millions of people started jogging in the 1970s, social observers took it as another sign that the younger generation was retreating from politics and concern for improving the world into vanity and self-obsession. But recent evidence demonstrates that there is nothing incompatible about jogging and revolutionary fervor. In Manhattan recently for the United Nations festivities, head Sandinista Daniel Ortega was seen jogging around Central Park in a pair of silver Addidas. He said he started running while in prison 18 years ago. Even more astonishing is Yasir Arafat's explanation that he wasn't in his office in Tunisia when Israeli bombers destroyed it at 10 a.m. one morning because, after a two-hour staff meeting beginning at 7 a.m., he'd ducked out to go jogging. If true (and longtime PLO observers are skeptical), this certainly supports the belief that jogging can prolong your life. It also supports at least half of President Reagan's declaration that terrorists can run, but they can't hide.

□ AFTER HIS JOG, Ortega met a few hundred American supporters at the Society of Ethical Culture. According to the *New York Times*, he was greeted with shouts of *"no pasaran"*—they shall not pass. This should not have pleased him. This historically reverberating slogan did not keep Franco's forces from overwhelming the Communist-dominated remnants of what had once been democratic Spain. The invitation-only audience, which included such longtime political idiots as Allen Ginsberg and such reflexive enthusiasts of revolution as New York City Councilwoman Ruth W. Messinger, produced a check for $2,500—American "reparations" for the suffering imposed on Nicaragua by the Reagan administration. The money will come in handy: Ortega and his wife spent $3,500 on de-

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signer eyeglasses while in New York. But it's not Ortega's eyesight that's faulty. It's that of his audience. Many of them would have cheered for Stalin, and justified his tyranny as "necessary," exactly as they do Ortega's.

□ THE WORLD OF BOOKS: *Cutting Edges: Essays on the Eighties*, a collection of articles by TNR senior editor Charles Krauthammer, has been published by Random House. Many of the selections originally appeared in these pages. Recently published books by TNR contributing editors include Anne Tyler's latest novel, *The Accidental Tourist* (Knopf); *New Deals: The Chrysler Revival and the American System* (Times Books) by Robert B. Reich and John D. Donohue; and *Sex and the American Teenager* (Harper & Row) by Robert Coles with Geoffrey Stokes. In addition, New Republic Books/Holt, Rinehart and Winston recently has published *Reluctant Farewell: An American Reporter's Candid Look Inside the Soviet Union* by Andrew Nagorski, who was *Newsweek*'s Moscow bureau chief.

□ WORLD OF BOOKS, II: Our October 28 issue carries an ad for a book called *Stop Me Before I Write More* by Scott Gardener. "While most conservatives cynically pretend to be concerned about the major problems of humanity," the ad says, "Scott Gardener, in true liberal tradition, has gone ahead and solved them . . . without sacrificing social reform." Observant reader Andrew Simons of Huntington, New York, points out that an ad for Gardener's book in the October 18 *National Review* says, "While most liberals are content to just talk about the world's major problems, Scott Gardener has solved them in true conservative tradition . . . without increasing taxes."

WHITE HOUSE WATCH

SPLIT IN THE RANKS

TENNESSEE representative John Duncan, the senior Republican on the House Ways and Means Committee, isn't normally the sort to grouse. But he complained directly to President Reagan during a GOP congressional leadership meeting at the White House on October 22. The irritant: the Republican National Committee was sending letters to the party faithful urging them to write their representative in support of Reagan's tax-reform plan. "Pressure tactics," Duncan insisted. Not only did the mother of a Ways and Means Republican get an RNC letter, but Duncan's daughter had received one, asking her to use her influence to get him to back the Reagan plan. "That's not the way we practice Republican politics in Tennessee," Duncan said.

Reagan had no idea what Duncan was talking about. And Frank Fahrenkopf, the Republican national chairman, didn't help much when he stepped in to explain. He said the party was simply trying to promote the Reagan tax proposal. But Fahrenkopf, whose signature was on the letters, admitted sheepishly that he'd never read the text. In truth, the text wasn't all that objectionable. It cited the addressee's House member, and said that "lawyers, lobbyists and powerbrokers" opposed to tax reform would be pleading their case with the representative and other Ways and Means members. "And that makes it even more important that he hears from you and your family, friends and neighbors making your case in favor of reform," the letter said. "Don't let the powerful elite ruin our chances for honest, meaningful tax reform."

WHY all the bickering among Republicans? The trouble runs deeper than a misconceived letter-writing drive. The real rub is that many congressional Republicans, perhaps most, have lost patience with the president's push for tax reform. And their opposition threatens to prevent any tax-reform measure, even one containing huge chunks of Reagan's own plan, from passing. That's right, *Republican* opposition may doom the top (and virtually only) item on the second-term agenda of a Republican president who won reelection in a landslide a year ago. And don't forget that tax reform was also billed as the issue that would realign the electorate and make the GOP the majority party. Not many Republicans believe this anymore.

The Republican moment of crisis on tax reform will come in late November or early December, when Ways and Means approves reform legislation. The bill is likely to resemble the Reagan proposal in general, but differ in crucial particulars. State and local taxes will still be deductible, for instance, contrary to Reagan's wish. The top rate on individual income will be set three or four percentage points higher than 35 percent, the president's supposedly nonnegotiable ceiling. The personal exemption won't be $2,000 for everyone, despite Reagan's noisy push for this.

The White House will have four choices: (1) endorse the Ways and Means bill; (2) endorse it but say it needs a few corrections; (3) neither endorse nor oppose the bill, but say that some measure should be sent to the Senate, where it can be dramatically improved; (4) try to kill the bill. There's not much chance the president will follow the first option. At both the White House and the Treasury Department, the second and third options draw more favorable comment. But the fourth option—abandoning tax reform—is hardly inconceivable.

One administration strategist predicts that as many as 125 Republican House members (out of 182) and a passel of senators will be clamoring to kill tax reform, arguing that an acceptable bill can't be achieved. "From the Republican right, from the Republican left, from the Republican center, there will be calls to punt on tax reform," the strategist says. A handful of White House aides are already receptive to this. "We should stick to our guns and not go along with something [like the Ways and Means bill] that is antigrowth and redistributionist," says a senior official. "We may have to look for some alternative, even if

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it couldn't pass. But we don't want something that doesn't reflect the goals of the Reagan revolution."

The Republican tax-reform movement has its Brutus in Representative Vin Weber, a Minnesota Republican. "I'm ready to lead the rats off the sinking ship," he says. "No tax reform is better than bad tax reform." Weber has been circulating a letter among Republican House members that asks Reagan to "abandon the committee bill, abandon the process that is producing the committee bill, and rededicate ourselves to genuine pro-growth and pro-family tax reform." Since Weber and his allies haven't the votes to substitute a Republican measure for the Ways and Means bill, this would mean blocking the committee measure and starting over from scratch. And that, in turn, would mean that tax reform in Reagan's second term is dead.

Weber's chief complaint is about the increase in the personal exemption to $2,000; it's gone from the Ways and Means bill. True, Chairman Dan Rostenkowski has replaced it with what amounts to a $2,000 exemption for everyone who doesn't itemize deductions—for most people earning less than $40,000 a year, in other words. Itemizers would get a $1,500 exemption. But the across-the-board $2,000 exemption has taken on symbolic importance to many Republican conservatives, and to a few White House officials as well. Without the $2,000 exemption, "I think we're going to have to kill this thing [tax reform]," a White House official says.

Although Weber backs the Reagan plan, many House Republicans were cool to it from the start, notably because it would raise the tax bill of their favored constituency, big business. Some balked at individual provisions. Representative Ray McGrath of New York has made restoration of full deductibility for state and local taxes his single issue; the Reagan scheme would eliminate it. When his mother got an RNC letter, McGrath went bonkers. In a press release, he acted as if Watergate II was upon us. He called the letter "sleazy" and "underhanded," and said the bid to put pressure on Congress was a "despicable act" and "an outrageous breach" of the RNC's charter. And remember, this fevered talk came from a Republican who is usually a Reagan loyalist.

GIVEN the growing Republican antipathy to tax reform, it's not surprising that scapegoating has begun at the White House. And it will get a lot worse when Ways and Means clears a bill and the calls to kill tax reform begin. The designated scapegoat for now is Richard Darman, the shrewd deputy treasury secretary who's handling legislative strategy on tax reform. He's blamed by the cluster of aides around Donald Regan, the White House chief of staff, for relying too heavily on Rostenkowski. This is a silly charge. Without Rostenkowski's compliance, tax reform wouldn't have gotten anywhere; only four (of 13) Republicans on Ways and Means are even mildly enthusiastic about tax reform. There simply was never a realistic alternative to dealing closely with Rostenkowski.

But if Rostenkowski had to be courted, House Republicans didn't have to be ignored. They have been. This wasn't Darman's doing, but it happened. A basic rule of politics was violated: never neglect your base. Talk to almost any Republican in the House this side of Jack Kemp and you find someone who is, at best, indifferent to tax reform. Reagan's speeches around the country have fallen as flat on them as they have on the public. Nor has the White House or Treasury gotten tough with them, or with Democrats. Administration officials "haven't shown there's any cost to not being for this thing," says a GOP strategist who advises the White House. "If you're for it, fine. If not, fine. You can sit on the sidelines if you want."

Darman believes that a less-than-perfect bill would still be worthwhile economically and politically, from the administration's point of view, and he's right. Reagan could take credit for lowering the top tax rate from 70 percent when he took office to, say, 38 percent, and for boosting the personal exemption from $1,000 to $2,000 for most Americans. That's not a piddling achievement. Besides, Reagan may have ducked out of Lebanon, after nearly 250 Marines were killed, with political impunity, but it won't work that way with tax reform. If Democrats can roll the president on his major initiative, they can defeat him on anything. He will have lost control of the agenda. There is a word that describes perfectly a president who lets an issue slip away and then can't get it back. It is the most feared word in the Reaganite lexicon. Carterized. President Reagan has escaped being Carterized for five years, but his luck will run out if he jettisons tax reform.

FRED BARNES

ON THE HILL

DO AS I SAY

AN EMPLOYEE at the Senate Placement Office who helps match job applicants with positions says she often receives requests from Senate offices for "no minorities." What's more, she honors them. Why? "Maybe there are people in the office that don't take to minorities. Maybe they've had a bad experience with a minority in the past. They're being honest, so why send them someone they're not going to hire?" She adds that she often encourages staffers who make such requests to interview minority applicants anyway. "I tell them that it could cause an embarrassment at home," she says, noting that the office often gets requests for "only minorities," too.

This kind of discrimination on the Hill is nothing new. In 1974 the *Fort Worth Star-Telegram* created a minor furor when it reported that the House placement office regularly removed stipulations like "white only" and "attractive, smart, young, and no Catholics . . ." from hiring orders sent by congressional offices. The House Clerk's office

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now says that its new computer can't input discriminatory data. But the computer apparently is more enlightened than some members of Congress. Practitioner par excellence of the do-as-I-say-not-as-I-do philosophy, Congress has made itself exempt from Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, creed, and national origin.

Just as members of Congress can legally exclude or fire whomever they want, they are free to ignore the Fair Labor Standards Act, the Equal Pay Act, the Occupational Safety and Health Act, the Freedom of Information Act, the Privacy Act, and a torrent of other laws. These immunities have disturbed a few outspoken legislators for years, and periodically bills are introduced to bring Congress into compliance with its own laws. Rarely are such proposals enthusiastically received. This summer the House Subcommittee on Police and Personnel, chaired by Representative Leon Panetta, did hold hearings on the most recent anti-hypocrisy measures, the best of which is a proposal sponsored by Representative Lynn Martin of Illinois to protect congressional employees from discrimination by creating a panel of retired judges to hear complaints. But Martin admits that progress is slow. The bill was also referred to the Judiciary and the Government Operations committees, and it is unlikely to reach the floor for a vote this term. Panetta has encouraged Martin and Democratic Representative Pat Schroeder, who has proposed a similar bill, to work on a bipartisan resolution that might make it out of committee.

THERE ARE a few flimsy measures already in effect. In 1976, after the furor over Congressman Wayne Hayes's using his position to solicit sexual favors from his secretary Elizabeth Ray, Schroeder helped create a voluntary antidiscrimination hearing board called the Fair Employment Practices Committee. About 130 members have signed a nonbinding agreement (which has never received any support from the House leadership) not to discriminate in hiring. Only staffers who work for signers of the agreement have the privilege of complaining to the FEPC if they feel unfairly treated. Former chairperson Sarah Orrick says that the board seldom convenes, and that she doesn't remember it ever hearing an actual grievance. The reasons are obvious: those who sign the voluntary pledge tend to be those who don't discriminate, and the board has no real power to punish perpetrators or compensate victims.

In 1978, at the urging of John Glenn and others, who pointed out that less than one-third of one percent of the Senate's highest staff positions were held by blacks, and that women did only slightly better, the Senate passed a simple rule forbidding employment discrimination. But Glenn points out that the rule is useless since the Senate neglected to pass any enforcement mechanism. "There was a lot of talk about doing better in the future, and then everybody forgot about it again," he says.

Members of Congress have found several ways to justify their exemptions. Many cite the established need to hire staff members according to regional and political affiliation. When you point out that the Civil Rights Act doesn't prohibit political patronage, they resort to constitutional arguments. Foremost among these is the concept of separation of powers, which some representatives contend prohibits the executive branch from enforcing laws like the Civil Rights Act against the legislative branch. But of course separation of powers works both ways, a fact they overlook when they want the president to open his files under the Freedom of Information Act.

The second argument relies on the "speech and debate clause" of Article One of the Constitution, which protects members from being questioned in court about their legislative activities. Representative Ed Jones of Tennessee recently invoked this notion when he was sued by Anne W. Walker, former manager of the House Restaurant. As chairman of the House Administration Subcommittee on Services, which oversees the restaurant, Jones fired Walker, who claims he told her that a $45,000 salary was "ridiculous for a woman." A federal court of appeals recently held in favor of Walker's right to sue, saying that selecting restaurant staff is not a legislative procedure, and is thus not covered by the speech and debate clause.

Senator Ernest Hollings (who hired the first black Senate committee chief of staff) offers a distinctly nonconstitutional argument. Legislators, he says, are responsible to their constituents alone. If a racist congressional district wants its representative not to hire any blacks, the representative has that right. Justice Burger agrees. In his dissenting opinion in the highly publicized Hill discrimination suit *Passman v. Davis*, he wrote: "A member of Congress has a right to expect that every person on his or her staff will give total loyalty to the political positions of the member, total confidentiality and total support. This may, on occasion, lead a member to employ a particular person on a racial, ethnic, religious or gender basis thought to be acceptable to the constituency represented. . . ." Congressional offices run more efficiently than other government agencies, where firing a subordinate can entail several years of filling out forms and fighting lawsuits. But for the rest of the country Congress has decided to sacrifice some efficiency to protect individual rights.

MEMBERS who argue for consistency, like Representative Andrew Jacobs of Indiana, are indignant at these rationales. "What is this, Mount Olympus?" he asks. "Separation of powers doesn't mean you can't send a congressman to prison for embezzlement. And speech and debate is what members plead when they get caught taking bribes." Jacobs cites a favorite example of what he calls Congress's antinomian behavior: when Congress amended federal campaign laws to prohibit the practice of converting leftover campaign contributions to personal funds upon retirement, it left those elected before 1980 the right to collect and even continue adding to their "close-out" accounts. Jacobs, who continually proposes terminating this novel application of the grandfather clause, refers to it as "saying it's a sin for everybody except those who say it's a sin."

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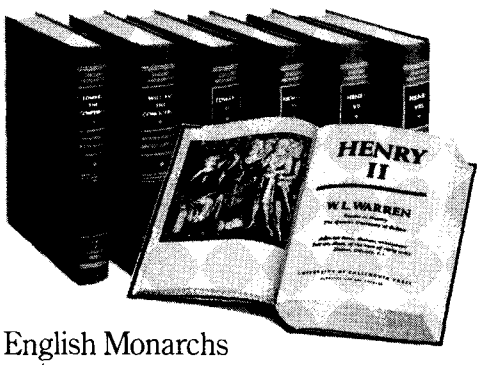

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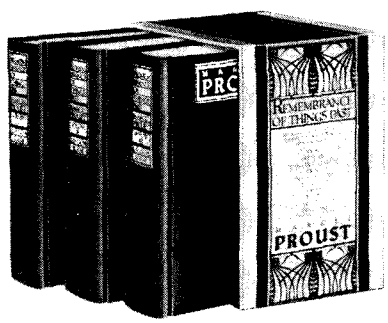

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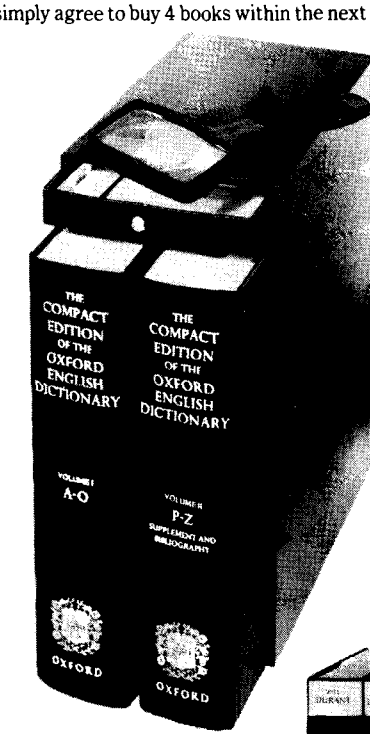

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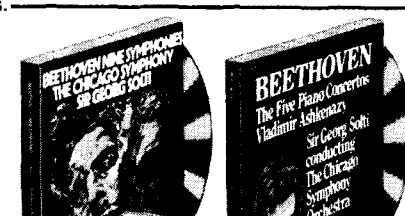
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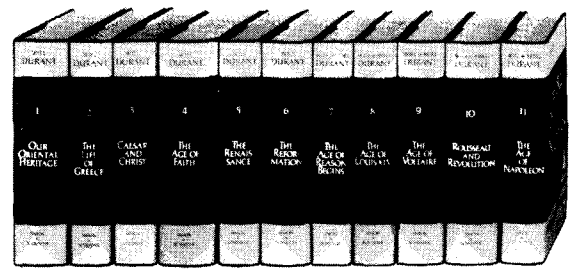

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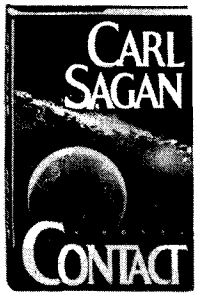

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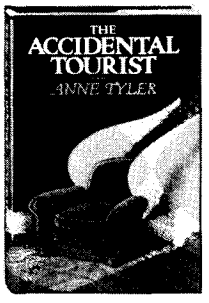

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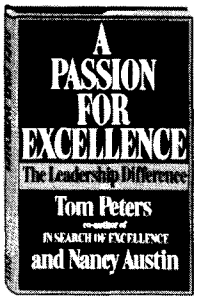

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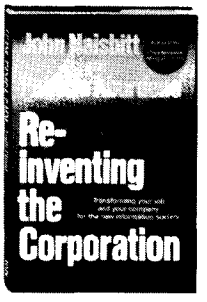

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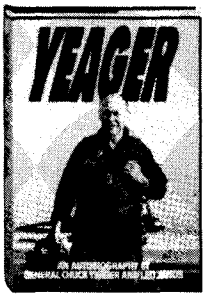

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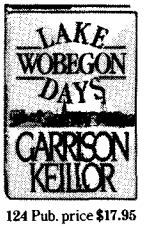

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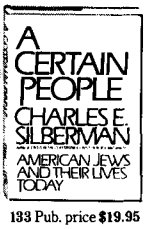

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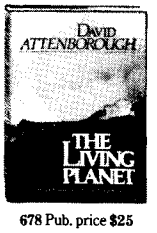

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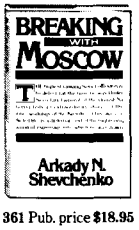

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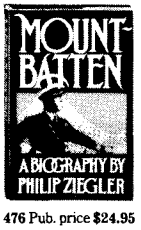

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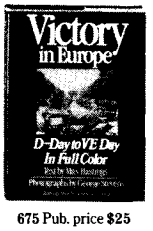

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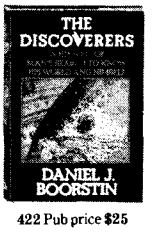

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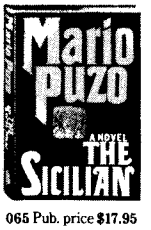

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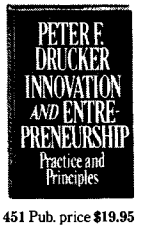

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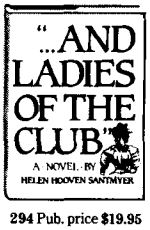

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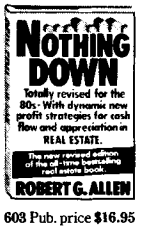
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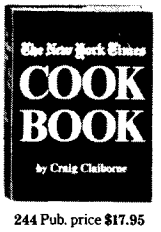

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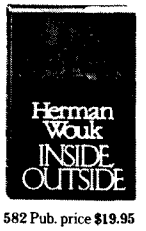

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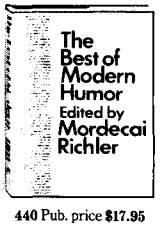

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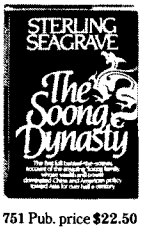

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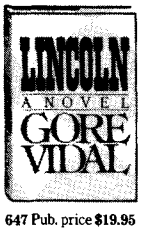

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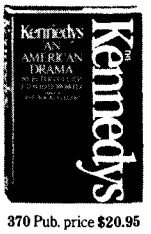

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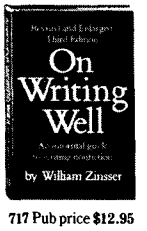

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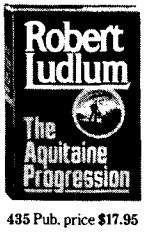

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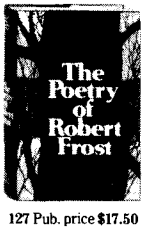

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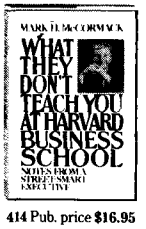

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Jacobs is perhaps the only member who favors ending Congress's exemptions across-the-board. Many spout platitudes about "becoming better employers," and "not demanding of others more than we ask of ourselves" on civil rights legislation, but whistle a different tune when asked about an exemption that might make a difference in their own offices. Take OSHA standards, for example, which require minimum space per employee in offices, and which sweatshop offices on the Hill routinely violate. "My god, that would shut the whole place down," exclaims Schroeder. And Glenn concedes, "Before we built the new Senate office building, we violated their standards everywhere." This is not to say that Glenn and Schroeder oppose the idea of OSHA standards on Capitol Hill. But they aren't about to sponsor troublesome bills to bring their own offices into compliance.

There is a practical reason for requiring members of Congress to abide by the strictures they have established for every other American employer. OSHA has saved lives and improved working standards for millions of Americans, but it also forbids safe but crowded offices like the ones on the Hill. Civil service rules and the Civil Rights Act have made it hard to fire government workers capriciously, but also make it nearly impossible to terminate incompetents if they happen to be among the three-quarters of the population that merits special protection because of race, religion, age, or sexual preference. Because Congress doesn't feel the effects of these measures, it isn't much inclined to improve them. If our legislators were subjected to their own laws, which James Madison called an essential condition for the survival of democracy, they would become better lawmakers. The rest of the country might even regain a measure of respect for the bills Congress passes.

JACOB WEISBERG

The latest legal racket for lawyers.

RICO AND THE MAN

ON OCTOBER 10, 1985, several hundred lawyers—and not a *consigliere* among them—gathered in 38 cities and paid $120 apiece for the privilege of participating in a video conference about gangster law. With clients who lean to Burberry rather than cement overcoats, these barristers toil in the legal profession's newest cottage industry—exploiting a loophole in the Racketeer Influenced and Corrupt Organizations Act, RICO for short.

RICO was born in 1970, part of a major congressional initiative against organized crime; some cynics have noted that RICO's authors chose its acronym with care, avoiding a name for the law like, say, MORRIS. Unlike previous laws, RICO allowed prosecutors to convict mobsters simply for running a criminal enterprise, rather than a more specific—and difficult to prove—offense. The law gave prosecutors a valuable new tool to catch criminals who infiltrated and operated legitimate businesses.

Seemingly as an afterthought—or, more likely, with little thought at all—Congress added a provision that allowed private citizens to sue the crooks who had damaged their respectable businesses. The theory was that if, for example, La Cosa Nostra took over the dry cleaning business in Detroit, the victimized shopkeepers could recoup their losses in court. To add to the law's sting, the mobsters would have to pay triple damages and the plaintiff's attorney fees. The private remedies would not only make crooks shoulder the costs of their criminality, but would turn ordinary citizens into "private attorneys general" who would aid in enforcing the law—good causes all.

BUT CONGRESS GOOFED. In RICO's first decade few people noticed, but the law contained a provision that had the potential to transform almost all civil litigation. To win a civil suit under RICO, the statute required only that the plaintiff prove that the defendant committed almost any civil fraud—a common accusation previously dealt with only in civil state courts. In other words, merely by charging that someone had committed fraud—a garden variety civil offense—you could go into federal court, call your opponent a racketeer, and open up the possibility of getting triple damages and attorney fees. Ordinary, respectable business people—everyone from American Express to a Meineke Discount Muffler shop in Staten Island—wound up in court defending themselves against the same law used to prosecute the likes of Anthony "Tony Ducks" Corallo.

It was the word "racketeer" that threw civil RICO defendants into a panic. "These ordinary businessmen get called racketeers in court and all they want to do is settle the case," says one RICO practitioner. Indeed, lawyers for plaintiffs shrewdly manipulated the shock value of a RICO claim into enhanced settlement possibilities. They knew that executives would blanch at being called "racketeers"—and tremble at the prospects of the accusation being disclosed (as is often legally required) in the companies' annual reports. What's more, most business insurance policies don't cover RICO judgments. "When you look at the facts of cases, RICO was more of a threat in theory than in reality," according to Sol Schreiber, a New York RICO expert. But as long as courts allowed ordinary fraud to be treated as RICO, the threat was real.

Some judges balked at this use of RICO. They attempted all sorts of contorted readings of the statute to limit its scope, but appellate courts kept striking these rulings down. We know it doesn't make much sense, the appellate courts said, and it may not be what Congress *meant*—but it's what Congress *said*. Some lawyers thought the Supreme Court would take it upon itself to stop the civil RICO bandwagon. But in a five-to-four ruling in July, the Court emphatically endorsed a broad conception of civil

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RICO. Conceding that RICO "is evolving into something quite different from the original conception of its enactors," Justice Byron White nonetheless said it was not the Court's job to rewrite Congress's laws.

SO RICO ROLLS ON, with no less than the U.S. Supreme Court sanctioning its broad use. Indeed some lawyers have welcomed RICO's transforming growth. RICO, they say, is a populist statute, dedicated to treating fat cat businessmen the same as anyone else. G. Robert Blakey, the Notre Dame law professor who helped draft the law as a Senate staffer, leads the RICO-as-avenging-angel school. Thundering against those who would apply RICO only "to those whose names end in vowels," Blakey decries the pervasiveness of white-collar crime in the economy. Crime victims, he says, "care little that their life savings are stolen by mobsters wearing black shirts and white ties or by accountants while dressed in Brooks Brothers suits and white collars."

All true—and totally irrelevant. No one disputes that crime victims should be able to use RICO to sue crooks who have exploited them. Of course the banks ripped off by E. F. Hutton and the customers bilked by San Diego's J. David Dominelli should be compensated. But that is not the problem with civil RICO. Plaintiffs may now use RICO in almost any fraud claim, whether the defendant has been criminally convicted or not. According to the Supreme Court, lawyers may now press RICO claims regardless of the defendant's previous behavior—and that doesn't serve the public at all. It merely generates legal fees, subjects legitimate businesses to embarrassment and expense, and clogs the federal courts with trumped-up claims. And it's hard to believe Blakey is doing the public's bidding when his view of the law would surprise the elected representatives who passed it.

Congress itself has begun to lumber toward a narrowing of civil RICO—either by eliminating civil RICO claims based on fraud or by allowing such suits only when the defendants have been criminally convicted. But such action, if it happens at all, will take months at best. In the meantime, lawyers say RICO filings have soared since the Supreme Court's green light in July. Some lawyers—like the video conferees—obviously think civil RICO will continue to flourish. So does the publisher of the "RICO Law Reporter," a monthly nationwide compilation of all court decisions about RICO; sales of the $725-per-year publication have doubled since the Supreme Court's decision in July. "RICO will mushroom. You're going to see it charged in virtually every commercial fraud case as a general federal treble damage fraud statute," says Arthur F. Mathews, who chaired a Bar Association committee on RICO. "Lawyers are going to have an *obligation* to look at RICO."

RICO practitioners—the RICO bar, as they've become known—deny they've distorted the law, but only read it closely to serve the needs of their clients. And now the Supreme Court agrees. Clearly the original sin belonged to Congress, which gave lawyers the opportunity to lump American Express chairman James "The Card" Robinson with Colombo family chairman Carmine "The Snake" Persico. In its own way, Congress made the lawyers an offer they couldn't refuse.

JEFFREY TOOBIN

Jeffrey Toobin is an editor of the *Harvard Law Review*.

Affirmative action in Brooklyn.

VIEW FROM THE TRENCHES

MUCH OF THE debate over affirmative action centers on principles. But what about its consequences? Brooklyn College of the City University of New York is a large, public, urban institution with an ethnically and racially diverse student body. Since I began teaching here 16 years ago in the Department of Sociology, I have seen affirmative action produce some striking ironies.

A major premise of affirmative action is that racial discrimination is the most important reason for the underrepresentation of black Americans in prestigious and lucrative occupations. Without the barriers of prejudice, all groups (sexual, racial, ethnic, religious) would be represented in more or less the same proportions in these fields. If it could be shown that a group of blacks had been highly successful in spite of racial discrimination and without the benefit of affirmative action, then the necessity for it would be seriously undermined.

Yet consider the experience of our black students. Many of them are immigrants from the West Indies. Some are French-speaking Haitians, but most are from English-speaking countries such as Jamaica, Trinidad, and Barbados. The English-speakers tend to do better academically than most black and many white Americans. They have worked so hard and so well that they have higher percentages of professionals among them than many white ethnic groups. These successes antedate affirmative action programs. As early as 1969, according to Thomas Sowell, 15.2 percent of West Indians were professionals, compared to a national average of 14 percent; for German-Americans the figure was 14.8, for Irish-Americans 14.1, for Italian-Americans 13.5, and for Polish-Americans 14.5. Black American unemployment rates are consistently higher than the national average; West Indian rates are lower.

The differences in achievement between black Americans and West Indians do not go unnoticed at Brooklyn College. There is little social contact between them. A student of mine from Trinidad said bluntly, "Black Americans see everything in terms of black and white. I have suffered from racial discrimination a couple of times, but it hasn't kept me back." The same

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student recently received a coveted "minority" fellowship, since he is a brilliant and hard-working student who happens to be black. This is not an isolated case. It is an open secret at my college and elsewhere that immigrants from the West Indies are increasingly taking advantage of racially designed programs that were supposed to help black Americans.

Some people justify affirmative action not because it fights present-day discrimination, but because it is supposed to fight the effects of past discrimination, and because "white society" ought to atone for the past. Yet the ancestors of West Indians were slaves, just like those of black Americans. In fact, there is considerable evidence that the conditions of slavery were harsher in the Caribbean. This heritage has not perceivably affected their prospects for success.

At Brooklyn College the argument about avenging past discrimination looks bizarre—and not just for blacks. It cannot be reconciled with the fact that many of our students' ancestors were not even in the United States when black Americans suffered from slavery and institutionalized discrimination. Indeed, the forefathers of many of them were crushed under the weight of caste systems arguably as bad as Jim Crow. How can the sons and daughters of immigrants from Sicily, where feudalism and the Mafia ruled well into the 20th century, be persuaded that they must pay for the sins of now-dead white Americans? They too suffered from systematic prejudice; in Italy the stereotype of the Southern Italian is disturbingly close to that of the Sambo-like black. The illiteracy and grinding poverty of their immigrant forebears was in no way less severe than that of Negroes in Mississippi. And racial stereotyping of Southern Italians persisted in the U.S. In one of my courses I use William Whyte's *Street Corner Society*, which depicts life in an Italian-American slum in Boston in the 1930s. At that time Italians were perceived as belonging to a different race from the white citizens of Boston. This revelation never fails to astonish the black students in the class; the Italian-Americans are familiar with such stories.

Affirmative action policies also benefit nonwhites who are not necessarily black. An increasing number of my students are Oriental. Most are first- or second-generation Chinese, but a growing number are Vietnamese refugees. In a class in introductory social science called "People, Power, Politics," I attempted to explain affirmative action in the lectures that dealt with race and ethnic relations in the United States. I said that because they were nonwhite, these Asian immigrants were entitled to benefits not available to the youngsters in the class who had recently arrived from Greece and Israel. The young immigrants were getting one of their first civics lessons.

ANOTHER AREA in which I can see affirmative action stimulating anger and resentment is in Jewish-gentile relations. The implicit aim of the policy's war against numerical disparities is to arrive at a society where all ethnic groups and both sexes are represented in all occupations in proportions that correspond to their numbers in the general population. It has frequently been pointed out that this aspect of affirmative action is anti-Semitic. Jews represent at most three percent of Americans, but in many professions, particularly law and medicine, Jews constitute a much larger proportion than their numbers in the population. Any policy that aims to arrive at a congruence between a group's proportion of the people and its proportion of a profession must exclude qualified Jews.

All this takes on a special poignancy at Brooklyn College. For its first three decades, the college was overwhelmingly Jewish. Jewish students still account for about one-third of the student body. The influx of a large black American component has made for some tensions. The Jewish students, for ethnic and religious reasons, tend to socialize with one another, a habit perceived by some as racially motivated. One black student explained to me that "Jews are racists because they only date Jews." Moreover, Jewish students usually do better academically, and black American students often have difficulty. This creates understandable friction. Both Jews and black Americans came from impoverished and backward ghettos. Both were subject to severe legal and informal harassment for centuries, not to mention periodic slaughter simply for being who they were. Some blacks find it incredible that Jews come from a background similar to theirs. I once tried to explain to a young man that the living conditions for Jews on New York's Lower East Side in 1900 were as crowded as those in Calcutta today. He refused to believe me.

In one classroom debate, a student pointed out that there were six million Jews exterminated in the Holocaust, and that this constituted a pretty clear example of past discrimination. A black student's reply was that 50 million Africans perished in slavery. "My great-grandfather was a slave! You OWE me!" To which a Jewish student's answer was, "My great-grandfather was in a Polish ghetto when yours was a slave! I don't OWE you ANYTHING!"

An increasing number of our Jewish students are refugees from the Soviet Union. The Brighton Beach section of Brooklyn is so heavily populated by Soviet Jews that it is known as "Odessa by the Sea." Many of the youth from this group attend Brooklyn College. Often beset by serious language problems, they gravitate toward mathematics, computer science, and scientific fields where skill in English is less important. I recently had a conversation in my office with a young man from the USSR who was writing a research paper on affirmative action. I explained that one purpose of the policy was to compensate for the effects of past discrimination. He described how he had suffered from discrimination as a Jew in the USSR. "Hitler should have killed all of you," was one of the statements often repeated by his Soviet classmates. When he pointed out that there was no affirmative action for him, I could only sadly agree.

Both Russian Jewish and Caribbean black students are relatively recent immigrants to this country. Both are extremely hard-working and ambitious. The fact that Caribbean black students should be able to take advantage of

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affirmative action, when they come from relatively tolerant societies (with the exception of Haiti) where they are not a minority, and that Russian Jewish escapees from Soviet totalitarianism should have no government-sponsored opportunities, is inconsistent, to say the least. That the former should be granted special privileges because they are black and the latter denied these advantages because they are white is, plainly speaking, racist.

Affirmative action appears to have few defenders among the students at Brooklyn College, who tend to be strong believers in individual opportunity and success. They would probably not be here if they did not hold this belief, since it offers an excellent channel for upward mobility for students with modest resources. Some fail; more succeed. From its beginning Brooklyn College has bestowed success upon those with ambition and ability. Its very existence is continuing refutation of the need for a special policy that favors some groups over others. Affirmative action has been so stretched and reinterpreted that it bears little resemblance to what it was originally intended to be. The perception among most Brooklyn College students is that wherever it is practiced, it breeds resentment, benefits people it was not designed for, and does not benefit those who have suffered grievous discrimination. Perhaps it's time to wipe the slate clean.

WILLIAM R. BEER

William R. Beer is a professor of sociology at Brooklyn College.

Now or next year, the Jordanian arms deal is a bad deal.

THE SHORTER WICK

BY HIRSH GOODMAN

LAST WEEK, faced with overwhelming congressional opposition, the Reagan administration postponed its proposed $1.9 billion arms sale to Jordan until March 1. But the administration has not changed its argument that if Jordan's King Hussein is to pursue peace, he must have the military wherewithal to defend himself from his rejectionist Arab neighbors. The administration first announced that it intended to supply Jordan with massive amounts of new weapons, including sophisticated aircraft, on September 27, just hours after Hussein had declared on the floor of the United Nations that he is prepared for direct peace talks with Israel.

Many American arms transfers to the Middle East, including the proposed Jordanian deal, are not dictated by strategic prudence, and are often inconsistent with the real threat facing the recipients. Though it is glib to say that arms sales are generated simply by pecuniary interest, one cannot discount the power of the arms lobby to influence policy. Nor should the influence of the upper echelons of the American military establishment be ignored. The strategic perceptions of high-ranking U.S. officials have often been clouded by short-term interests like defraying research and development costs and acquiring post-retirement positions as advisers to regimes having trouble implementing the new U.S. technologies.

Arms transfers to the Middle East are also fraught with policy contradictions. America is Israel's staunchest ally; without American aid its current military and economic situation would be near catastrophic. On the other hand, arms deals have become a major threat to both Israel's military edge and its economic well-being, especially over the past decade. America's diplomatic goal of bringing about lasting peace and stability in the region is inherently contradicted by its continuing efforts to provide the main protagonists with the ability and incentive to perpetuate conflict. American policy in the region rests on U.N. resolutions 242 and 338, which call for Israel to return the territory captured in the 1967 Six Day War (the West Bank and Gaza strip) for peace with its neighbors. But the more sophisticated and destructive weapons systems Jordan, Saudi Arabia, and Egypt obtain, the more Israel must hesitate to make strategic concessions.

Right now the future of the West Bank and Gaza lies at the heart of the Israeli political debate. The country is about evenly split as to whether it is negotiable. But there is a general consensus in Israel that the West Bank is strategically vital for Israel's security. Its hills provide the early-warning capabilities that are becoming more vital as the quality of weapons improves on the other side, and its plains the battlefield where any invasion from the East would be stopped before

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enemy forces reached Israeli population centers.

Some 90 percent of Israel's population and over 90 percent of its industrial infrastructure, including all its ports, airports, and refineries, are concentrated in a narrow coastal strip roughly the size of greater Indianapolis. The entire area is less than eight minutes' flying time from Amman and Damascus. Thus the West Bank has a strategic importance that transcends the political debate in Israel between those who want to keep all of it, and those who want to keep some of it; between those who claim that Israeli sovereignty over the territories is an inviolate precondition to any peace talks, and those who speak about negotiable security arrangements and territorial compromise.

Shimon Peres's national unity government, predictably, greeted Hussein's offer for talks with two voices: that of the prime minister and that of vice premier and foreign minister Yitzhak Shamir. Shamir, who is opposed to any process that could lead to Israel's relinquishing total control of the West Bank, saw Hussein's statement as a transparent ploy to get American weapons. The prime minister, head of the Labor Party, which expounds a policy of territorial compromise on the West Bank, saw the ploy too. But he also saw that this could be the start of a process that might bring about peace.

Peres and Shamir did agree about one thing: there cannot be any linkage between the peace and the unrestrained supply of more American weapons to Jordan. Long-term strategic considerations cannot be placed on the altar of current tactical expediency. They agreed that whatever their differences over the future course of peace in the region, they were united in their opposition to the administration's intention to sell more arms to Jordan and Saudi Arabia.

There is no denying the legitimacy of Hussein's contention that his enemy to the north—Syria—will not remain complacent as he comes to terms with the existence of the Jewish state. But while Hussein may be the recipient of this next batch of fighters, tanks, and missiles, his finger may not be on the trigger in a decade or so. And since the most serious threat his regime faces is domestic insurgency, it is doubtful whether the F-16s or F-20s the administration intends to supply will help him remain in power.

ISRAELI STRATEGISTS must seriously consider the possibility of Hussein's downfall, given the chronic instability of regimes in the region. The assassination of Anwar Sadat by Islamic fundamentalists in 1981 and the attempted takeover of the Grand Mosque in Mecca in 1979—less than a year after the demise of the shah—have proven how mercurial the area can be.

Nor can the hostility between Jordan and Syria be taken for granted. Political alliances in the Middle East are as unstable as the regimes that make them. In the 18 years between 1964 and 1982, 25 fundamental changes in alliances occurred in countries that Israeli military planners consider confrontation states. Syria, Iraq, Jordan, Libya, Algeria, and Sudan have moved in and out of alliances, from friendship to enmity, with almost total unpredictability. In 1975, for example, Jordan and Syria set up the Joint Supreme Leadership Alliance; today the administration defines Syria as Jordan's greatest enemy. In 1978 Syria and Iraq signed the Charter for Joint National Action; today they are in a virtual state of war. Indeed, high-ranking Jordanian and Syrian officials have met several times in recent weeks in a mutual effort to patch up relations.

BECAUSE of its acute vulnerability, Israel can only regard this unpredictability as dangerous. The 1973 Yom Kippur War was horrendously costly because Israel was taken by surprise on two fronts. Since then the confrontation states have spent over $86 billion on sophisticated arms. In 1972 the confrontation states outspent Israel militarily by a ratio of almost three to one; in 1982 they outspent by almost eight to one. Israel's GNP in 1973 was less than nine billion dollars; the combined GNP of the confrontation states was $35 billion, a ratio of four to one. By 1982 the ratio had jumped to 12 to one in favor of the Arabs. There is no way Israel, which already expends some 40 percent of its budget and 18 percent of its GNP on defense, can keep up.

Israel, in short, has fully exploited its potential. The Arabs have hardly touched theirs, and already the balance of power is totally lopsided. The Arabs can mobilize 3.5 million men to Israel's 474,000—including reserves. They have 2,260 frontline aircraft to Israel's 539; 230 surface-to-surface missile launchers to Israel's 12; almost 15,000 battle tanks to Israel's 3,560, and 12,000 artillery pieces to Israel's 958.

Moreover, since 1982 Israel has actually been forced to cut the defense budget in an attempt to keep inflation under control. In constant dollars defense spending has come down from a peak of three billion dollars in 1977 to around $2.5 billion in 1984. This has been further exacerbated by skyrocketing procurement costs and the diminishing value of the aid dollars being received from the United States. According to data prepared by the Israeli Ministry of Defense, the $1.3 billion received in aid in 1974 was, in constant 1974 dollars, worth $840 million in 1982, and $657 million in 1984—and this when the price of an F-15 multipurpose fighter is well over $30 million, as opposed to less than ten million dollars (in constant dollars) that a Phantom jet cost in the early 1970s.

As a result, the Israel Defense Forces in fiscal 1984-85 were, for the first time in the country's history, forced to cut the size of their order of battle. Among the measures taken: the grounding of three frontline squadrons; the transformation of an active division into a reserve division; the retirement of 4,000 military and defense-related personnel; a decrease in stockpiles and strategic reserves; a freeze on all building projects; and an across-the-board reduction in the size of standing units.

Clearly, Israel has reached its limit in terms of quantitative growth. In order to compensate for the quantitative disparity compared to the confrontation states, Israel always has relied on qualitative superiority. Its forces were

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better trained, more highly motivated, more ingenious, and mainly, better equipped than those of the enemy. But this edge, too, is becoming hard to maintain.

The availability of F-15s and F-16s to Arab states is a perfect example of why. Whereas it regularly takes about six hours to change the engine on a Phantom, Israeli technicians figured out a way to do the task in under two hours. Theoretically, therefore, Israel could field at least twice as many aircraft as was thought technically possible. But the engines of the F-15 and F-16, despite their advanced technology, can be turned around in minutes with far less technical skill than was required for a Phantom. Israel's advantage is lost.

The United States is not solely to blame here either. Whereas in 1967 and 1973 the Israel Defense Forces were faced with predominantly second-rate Soviet equipment, today the region is inundated with the best the East and West can produce. The Soviets have provided the Syrians with SS-21 ground-to-ground missiles, accurate to 250 meters over a range of 120 kilometers. These place both Israel's pre-positioning sites and its airfields in danger. The Syrians also have Soviet T-72 and T-74 battle tanks and SAM-5 ground-to-air missiles that are directed specifically against Israel's airborne electronic warfare capabilities. Reported to be in pipeline are T-80 tanks, Mig-29, Mig-31, SU-24 and SU-27 aircraft—all constituting the latest in Soviet technology.

But what is worse, from Israel's point of view, is that in many cases American arms transfer policies have deposited the same weapons on both sides of the confrontation line. The F-4 and A-4 aircraft, as well as F-15s, F-16s, Cobra and Hughes attack helicopters; AIM 9-L, AIM-7F, Maverick, Hawk, Redeye, Dragon, and Harpoon missiles; M-60 and M-48 battle tanks; and artillery of every caliber are all in service with protagonists on both sides of the border. Nothing symbolizes the absurdity of the situation better than the fact that the Egyptian air force is flying Phantoms with over 200 Israeli modifications made to them.

WHAT THIS MEANS is that Israel has to take the world's most sophisticated weapons and make them better. It has to take weapons that have been built by some of the finest minds in the West, and, working with virtually unlimited research and development budgets, counter their enhanced potential. This has required the structuring of a military industrial complex that currently employs around 70,000 workers, 18 percent of the country's industrial work force. Despite exports of $850 million last year, this industry remains far from economically viable.

Qualitative erosion is happening at every level. Advances in air-to-air missile technology, for example, have nibbled away at the superiority enjoyed by Israeli pilots. Whereas the standard missiles in use today require a pilot to position himself 3,600 feet behind the target plane in order to score a kill, the AIM 9-L allows a pilot to fire confidently from 32,800 feet in any direction. If the pilot approaches the target from behind he can score a kill from up to 60,000 feet away.

Add to the qualitative erosion Israel's vulnerability to surprise attack. Eighty-five percent of Israel's army is reserves that take from 48 to 72 hours to call up. This dependence on reserves makes the need for early-warning and rapid response even more acute. If Israeli pre-positioning sites and airfields are significantly hit in the opening stages of any war, that war, from Israel's point of view, is almost lost. Therefore, Israeli strategic thinking dictates that this not be allowed to happen. Hence the most important consequence of the current arms race in the Middle East: the more sophisticated the weapons in the arena, the less the lead time between escalation in regional tension and the outbreak of war; the less the lead time for the resolution of conflict by diplomatic means. The wick gets shorter.

THE PRIMARY GOAL of the Israel Defense Forces is not to win a war, but to prevent one from breaking out. No matter how victorious Israeli forces may be in the field, in the final analysis, Israel cannot win a war. Each war, no matter how limited, undermines the country economically, increases emigration, decreases immigration, and wipes out yet another generation of the country's youth.

The growing inability of Israel to project a deterrent image, a process that can only be accelerated if the Jordanian "arms for peace" package goes through, increases the chances of war. The mere possession of high-grade equipment gives a government at least the illusion of power—an illusion that could transform into incentive, given the instability of regimes in the arena and the disproportionate cost to Israel in any conflict.

Yes, it is in the United States's interest that Jordan, Egypt, Saudi Arabia, and the gulf states have the ability to defend themselves against those other Arab states that at present are against everything these countries stand for. But will Syria really attack Jordan if Hussein moves toward peace? Would Syrian dictator Hafez al-Assad, currently isolated in the Middle East and faced with a strong pro-Western axis that runs from Cairo through Amman to Baghdad, really withdraw his divisions from Lebanon and the Golan Heights to threaten Hussein? Could he afford to risk war with Egypt, Saudi Arabia, and Iraq? And would the Soviets allow him to, knowing that both Israel and the United States are committed to the peace process, and that such a war could only end in absolute devastation of the Syrian armed forces? Is not the greatest threat to Hussein, and the other moderates, insurgency—not tanks and missiles? Did Phantoms save Sadat, and did F-14s save the shah? And perhaps, most significantly, did not President Sadat make his historic journey to Jerusalem in 1978 only when he realized that Israel could not be dealt with by military means?

Arms transfers have to be consistent with strategic goals. The contradictions, the double-talk, and the half-truths used to justify more weapons in an area waiting to explode have to be seen for what they are. The logical consequences of strategic myopia are too dire to allow otherwise. □

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Inside the Democratic think tanks.

WHAT'S THE BIG IDEA?

BY ROBERT KUTTNER

TO JUDGE by the recent proliferation of think tanks, institutes, and policy councils, the Democratic Party is ablaze with thought. Moderate-to-liberal idea factories founded since 1980 include the Center on National Policy (budget: $650,000), the Roosevelt Center ($2.8 million), the Policy Exchange ($150,000), the Center on Budget and Policy Priorities ($500,000), the Economic Policy Institute ($150,000), all in Washington; the Democracy Project ($150,000), based in New York; the Institute for National Strategy on the West Coast ($250,000); and several others that are mainly fronts for individual candidates.

Beyond these institutes, the very idea of ideas is playing a major role in the party's halting effort to rehabilitate itself. Gary Hart built his entire near-miss primary campaign around "new ideas"; today Hart is the first Democratic candidate to prepare for 1988 by founding not a political action committee, but an institute. Hart's Center for a New Democracy, established last spring (budget: $500,000), hopes to establish Hart as the premier idea man among the Democrats. Following closely behind are nonprofit institutes fronting for Senators Bill Bradley and Al Gore, Governor Bruce Babbitt, Representative Richard Gephardt, among others. And the official Democratic Party, not to be outdone, has its own Policy Council.

I have spent the last few weeks reading the product of these idea factories. It is evident that the Democrats are trying to play fox to Ronald Reagan's hedgehog. In his famous 1951 essay, the political philosopher Isaiah Berlin quoted the Greek poet Archilochus, who said that "the fox knows many things, the hedgehog knows one big thing." Sir Isaiah (whose ostensible subject was Tolstoy) observed: "There exists a great chasm between those, on the one hand, who relate everything to a single central vision . . . a single universal organizing principle . . . and, on the other side, those who pursue many ends, often unconnected and even contradictory, connected if at all only in some de facto way . . . related by no moral or aesthetic principle."

Reagan is the consummate hedgehog. He knows one big thing. Government is bad; private enterprise is good. Reagan employs a lot of idea mechanics to produce small ideas in the service of that one big idea. And he manages to articulate his big idea in a manner that the broad public can support, even though lots of little publics have big trouble with many of his little ideas.

The Democrats, on the other hand, used to have a few big ideas: the free market couldn't do everything. The state was a very useful counterweight to the market. The little guy deserved more breaks than the marketplace often delivered. And the Democrats had a lot of particular policy approaches informed by that one conviction. Most Democrats still think they are the party of the little guy, but they are no longer quite sure what to think about state and market.

In this ideological vacuum, the idea of "new ideas" for the sake of new ideas serves as a convenient stand-in for the coherent worldview the Democrats no longer have. It is the political equivalent of the journalists' notation "TK," which means "detail to come later." The pre-1980 ideamongering of the American Enterprise Institute, the Heritage Foundation, the Hoover Institution, the *Public Interest*, and the *Wall Street Journal* editorial page did for the conservative movement and the Republican Party all the things the Democratic think tanks hope to do. It redefined the public agenda; it built networks of young conservative scholars; it took over the Op-Ed pages; it gave substance and weight to conservatism, and it laid the groundwork for Reagan. But the conservative new ideas were powerful precisely because they were driven by one big idea. The Democratic counterpart is weak because it is not.

A second problem is that "new ideas" per se do little to build constituency. Democrats used to attract voters by delivering material benefits—by what Reagan calls "tax and tax, spend and spend." But an assumption of the current New Ideas is that taxing and spending is the one habit that must be shaken. So what to deliver? Some "new class" yuppie intellectuals may get off on new policy ideas out of sheer intellectual joy, but they don't add up to a majority of the electorate.

A third problem is the Democrats' intellectual and ideological timidity, which invites caution at best, and ridicule at worst. All the little foxes chewing at ideas don't create a convincing hedgehog, only a lot of hedging. "Where's the beef?" resonated in 1984 because the beef didn't add up to a whole Donkey. The Democrats' challenge is to resurrect a big idea. David Smith, Ted Kennedy's idea man on economics, says, "Politically, you sell ideas about where the country should be going; you don't sell ideas about Regulation Q."

On M Street, in Washington's newly redeveloped "West End," are the offices of the Center for National Policy, which is probably the archetypal new Democratic

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think tank. The center began life in 1981, calling itself the Center for Democratic Policy, but dropped the word Democratic lest it seem too partisan. The goal of the center, according to Ted Van Dyk, its departing president, is "consensus-building—to take the difficult policy questions and bring about a consensus that would not be possible without us." Van Dyk, a onetime Hubert Humphrey aide, does not consider himself a liberal counterpart of, say, conservative ideological strategist Irving Kristol. "We have no litmus issues. We don't have a lobbying agenda. We do not attract ideological money, the way a Heritage Foundation does. Instead, we're a kind of clearinghouse, putting ideas out into the intellectual marketplace."

SINCE 1981 the center has published 18 monographs and six "occasional papers," and has sponsored several conferences. The work product of the center is, on the whole, decent enough. One of the most successful pamphlets is monograph number 18, titled "Tax Policy: New Directions and Alternatives," published in late 1984. It begins with a short essay by the economist Walter Heller, persuasively arguing the case for a tax increase. The rest of the 53-page booklet offers a menu of possible approaches: loophole closing, new energy taxes, a "progressive expenditure tax," a VAT, and so on. The authors are the usual suspects; their arguments are of course widely available in Brookings papers, congressional testimony, and journal articles. The pamphlet offers nothing "new," but at least it offers good packaging, and it has the virtue of offering a consistent (if unpopular) prescription: *raise taxes.*

Several other center publications, however, fail even this test. Volume 7, published in 1983, is titled "Budget and Policy Choices." In one paper, W. Bowman Cutter makes the now-familiar case for limiting "entitlements." In the very next paper, Peter Edelman discusses the social cost of the Reagan cuts and argues (quite eloquently) for a new entitlement for employment and retraining. "The cost of this 'entitlement,' " Edelman concludes, "is clearly substantial. I believe the return is potentially even more substantial." Is the center for cutting entitlements, or adding them? Well, both.

Even the center's best-known (and perhaps boldest) paper, a 1983 brief for a tripartite industrial policy, by Felix Rohatyn, Irving Shapiro, and Lane Kirkland, was a case of the center playing institutional catch-up with ideas that were already well in circulation, rather than advancing the debate. At its best, Van Dyk's "clearinghouse" might indeed serve to sort out contending visions of a liberal resurgence. But in practice, the center has been more like the cerebral counterpart of the Mondale campaign—a guarded attempt to build consensus via coalition. There is little, if any, thinking about broad themes, of how policy connects to politics, or to constituency.

The center's own center of gravity might be described as late Carter administration. If there is any overall theme in the center's oeuvre, says Van Dyk, it is "Growth über Alles. Stress growth even over equity, at least temporarily." But that, as an ideological theme, seems exactly wrong. The message ought to be that you can get growth without sacrificing equity. If you think equity must be subordinated to growth, you might as well be a Republican.

The faces are also old faces. The center is primarily an inside-the-Beltway operation; it has not tried to identify or to patiently incubate a cohort of younger, ideologically driven intellectuals of the sort that seemed to magically blossom in the conservative think tanks and journals in the late 1970s. Indeed, the strength of Heritage, AEI, the *Public Interest*, and for that matter the neoliberal *Washington Monthly*, has been precisely that three-quarters of their young writers and theorists have been people nobody ever heard of.

Van Dyk has spent much of his time raising his $650,000 budget from Democratic donors, from foundations, trade unions, and business groups. The fund-raising needs have reinforced the center's tendency not to be too insurgent or too ideological. Van Dyk recently announced his resignation. He is quitting, he explains, because he has four kids in college, and can't afford to continue on his $90,000-plus salary. The center is currently recruiting a new president. Van Dyk will become a political consultant.

ACROSS TOWN, on Capitol Hill, stands the Roosevelt Center for Public Policy Studies. The Roosevelt Center is bipartisanly named for Franklin, Eleanor, and Theodore, whose portraits grace the lobby. Kermit Roosevelt and Jimmy Roosevelt are mercifully omitted. It is not altogether appropriate to include the Roosevelt Center in an article on new liberal think tanks because, as publicist Jill Leonhardt explained to me, "we are not a liberal think tank. We are nonpartisan, nonpolitical, and nonideological. Everybody thinks we are a liberal think tank. We have had that cross to bear ever since we were founded." Still, the center is principally underwritten by a prominent liberal donor, Richard Dennis, a Chicago-based commodities trader, and most of its staffers are moderate to liberal. With its $2.8 million budget, it is also the biggest new game in town.

As President Roger Molander explains the Roosevelt Center's particular conception, the new idea is to put citizens back into the policy process. The center is not promoting any special policy line or any set of political values except "Jeffersonian" process values. "There's a sleeping giant out there called the American people that can throw its weight around and break through ideological and partisan deadlocks," Molander says. He himself is a sort of born-again Jeffersonian. As a nuclear engineer, he spent 18 years at the Pentagon, worked on arms control in the Ford and Carter administrations, and in 1979 dropped out to found "Ground Zero," a citizen education project on nuclear proliferation.

Although the Roosevelt Center publishes some policy papers, its specialty is devices that involve citizens in policy disputation. In a simulation game called "Debtbusters," the center invites cross sections of citizens to solve the deficit problem. To date, nearly all of the 30,000 citi-

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zens who grappled with the numbers and played Debtbusters decided to cut defense and raise taxes—two supposed no-no's—as well as shaving social programs. Center staffers see games like Debtbusters as a vast improvement on conventional public opinion polling, which elicits misleading or simplistic pictures of what the public thinks. "We have the only real data on how the citizenry would break the budget deadlock," says Molander.

It is not entirely clear how games like Debtbusters will influence the policy process. Despite a massive publicity effort, its impact so far in Congress has been practically nil. But Debtbusters at least is an ingenious endeavor. Some other examples of the Roosevelt Center's attempted process-populism are downright silly. A very slick 62-page booklet titled "100 Questions: What Americans Want to Ask Their Next President" was intended as an education piece for the 1984 election. It juxtaposes quotes from Mondale and Reagan, and salts in questions that 100 citizens said they would like to ask the candidates. For example, Oscar Bauman, Cincinnati, Ohio, Retired Businessman, asks: "When are we going to get busy and catch up with the Russians in our defense program?"

The booklet has empty lines for the user to jot down his own questions, and concludes with a thin bibliography. It unmistakably suggests an institute with more money than it knows how to spend usefully. The League of Women Voters has been doing this sort of thing for decades with more proficiency and less fuss. The center also sponsors a straight-down-the-middle, MacNeil-Lehrer-style cable television program exploring significant issues of the day. (Yawn.)

THE ROOSEVELT CENTER, though not quite four years old, is already in its second incarnation. Its first president, Douglas Bennet, a former Congressional Budget Office executive and Carter foreign aid official, was fired in 1983 for "trying to create another Brookings," according to Molander. Other close associates of sponsor Richard Dennis say he has two interests: substantive liberalism, as reflected in his support of liberal candidates like Mondale and Adlai Stevenson, and promoting broader citizen participation. In the first incarnation of the Roosevelt Center, under a regime of Washington-oriented policy technicians, Dennis got neither. In the current incarnation, under Molander, he at least gets the participatory populism.

"Breaking through ideological deadlock" is a popular theme around the Roosevelt Center. But the problem today is hardly deadlock; it is hegemony. Roosevelt Center-style citizen involvement is one way of avoiding the "Beltway syndrome." As Molander observes, part of the problem of American liberalism is that it became elite liberalism, disconnected from ordinary people. In normal times, when there was a rough equivalence between liberal and conservative intellectual energy, this would be a very worthwhile endeavor. But the current trench warfare is not over just "ideas"; it's over practical *influence*. After all, rich conservative foundations like Olin and Scaife, Heritage and Cato, are playing for keeps. With new right-wing institutes, journals, and endowed chairs sprouting almost daily, is the Roosevelt Center's approach the very best use of several million scarce liberal dollars?

LAST JULY I was one of the panelists at the inaugural forum of Gary Hart's think tank, the Center for a New Democracy. The well-attended panel, in a Senate hearing room, featured two of the premier neoliberal intellectual finds, MIT professor Martin Weitzman, who thinks "flexible compensation" is the solution to unemployment, and Pat Choate, the leading exponent of the "individual training account" as a strategy of easing labor market transitions. The ostensible subject of the panel was what-to-do-when-the-next-recession-comes, given that our $211 billion deficit precludes any traditional fiscal stimulus.

Hart is, of course, an undeclared candidate for the 1988 Democratic nomination. The word is that he will not be a candidate for reelection to the Senate in 1986, and that if he ran, he might have real trouble getting reelected in Colorado. According to Hart strategists, Hart's pose, using the Center for a New Democracy as a base, is that of seeker. The center will sponsor high-visibility forums around the country, trying to identify the very best ideas and approaches, with Hart presiding. Fred Branfman, the center's policy director, says, "An institute like this allows you to play with an idea, without quite endorsing it." It also ropes in free-thinking "idea people" who would resist endorsing a candidate, and links them in the public mind with Hart. Not bad.

The publicity value of the center's inaugural panel wasn't bad either. Columnist David Broder, provided with a transcript of the event, wrote, "Hart provided a public service by launching the discussion on steps to take now to ease the pain of the next recession." And in a way, Hart did. His roster of upcoming forums includes "Beyond Protection: New Problems, New Approaches"; the GM-UAW Saturn contract as a new labor management formula; the changing family; and the contours of the new, open economy generally. This is close to the right list of questions. It remains to be seen whether Hart can offer convincing answers.

Hart instinctively senses that a different social contract must be brokered, one that marries the dynamism of the entrepreneurial marketplace to the security implicitly promised by democratic citizenship to people who don't come out winning entrepreneurs. The post-New Deal trick is to devise bargains that offer security without economic rigor mortis. This stuff is in the air. Lester Thurow and Robert B. Reich, two other Hart favorites, are saying the same thing when they talk about "easing transitions."

The dilemma is social and institutional. Hart's problem is that he often sees it as technological. But surely the political need is to restate, and perhaps reinvent, a modernized notion of comity and social reciprocity, not simply to divine an acceptably Democratic variant of high-tech entrepreneurship. One of the less compelling gimmicks at the Center for a New Democracy is something called

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SOLUNET, described as "the nation's first Electronic Communications Network devoted to helping people search for new solutions to the major challenges of our time," as if the software itself might produce the policy answer.

Two of Hart's favorite idea people illustrate the same dilemma. Choate's individual training account and Weitzman's flexible compensation would make splendid sense as part of a new set of social arrangements. As mere technical fixes, they fall flat. Retraining is fine, but it requires an overarching commitment to full employment, or the training leads nowhere. Similarly, flexible compensation is superb as part of an overall social accord that gives employees an enlarged standing as corporate citizens. But as a mere "market clearing" fix, Weitzman's plan only completes the burial of trade unionism.

The overall pose—Hart as Ideaman, not candidate—also creates some slightly awkward dissembling. I asked Martha Keys, the former Kansas representative who is president of the center and also Hart's sister-in-law, exactly what the think-tank strategy does for Hart's presidential fortunes. She replied primly, looking a bit wounded, "The object is to seriously examine issues. It's not here to highlight Gary Hart." Ms. Keys explained that the institute is a 501 (c) 3, a research, educational, charitable institution and not an advocacy organization. "I have great respect for tax-exempt money," she added with the most faintly discernible twinkle.

Among the other new ideas of this season is the notion of using candidate think tanks to get tax-exempt money into campaigns, and they are fast becoming yet another standard piece of campaign paraphernalia. That, too, adds to one's skepticism.

Of all the neoliberals, Hart seems to be the most genuinely serious about ideas, as well as the most liberal. But it is not yet clear whether his particulars all add up to a consistent, marketable public philosophy. In 1984 Hart discovered a hidden youth vote, libertarian on social issues, "entrepreneurial" on economics, and somewhat worried about being blown up. Presumably, Hart hopes to build on that. Branfman also argues that implicit affiliation with a candidate is not necessarily bad for a think tank. "Being in electoral politics imposes a certain discipline on you. You have to be credible to the voters. You can't just be a policy-wonk."

IF POLICY-WONKS a political program made, the Democrats would be home free. Washington is full of the species, and space precludes crediting them all. Besides the three representative think tanks noted above—the insider tank, the outsider tank, and the candidate tank—there is also an older generation of quasi-academic outfits such as Brookings, the Urban Institute, and so on. But these are even further removed from the task of breathing some life back into the Democratic Party and American liberalism. The trouble is that few of these think of "policy" as something connected to politics. What strikes me over and over again as I read the product of the policy shops is their political innocence. The assumption is that technicians will put the world to right.

One very serviceable old Democratic idea is Opportunity. Some of the idea people ought to be thinking about new means to serve the venerable Democratic end of opportunity for all. That task, surely, is not technical or tactical, but political and strategic. Ralph Whitehead, a sometime adviser to the Democratic Party, observes, "The conservatives began with intellectual and ideological seriousness. They knew their view of the world; they also knew sophisticated public opinion techniques, and they knew that their goal was to move public opinion in the direction of their own worldview. Too many Democrats think values are something you affirm rhetorically; they see values as cosmetic rather than fundamental. But in a world where institutions are coming apart, values are the touchstone."

For my money, the most useful Washington institutions of liberal thought today include several that don't consider themselves in the business of new ideas at all: for example, the Center on Budget and Policy Priorities, which has been a combination truth squad and quarterback in the campaign to prevent Reagan from repealing the entire New Deal. The center has more practical influence than any of the explicit think tanks (and its research product is just as careful) because it has a clear sense of its goals and values. Likewise, Citizens for Tax Justice, which has exposed the economic perversity of the administration's 1981 tax program. One might object that these are lobbies, not real idea shops. But then so are Heritage, Cato, et al. Influence, after all, is what politics is all about. The bantamweight idea factories on the liberal side—Mark Green's Democracy Project, Ray Marshall's Policy Exchange, and Jeff Faux's Economic Policy Institute—are also far more effective, pound for pound, than some of the larger institutions, because they know what they believe.

BUT IT IS also necessary, finally, to look beyond the whole genre. One must recall the historic incubators of American liberalism. They include: universities that housed the likes of Dewey and Beard, and Veblen and Commons; journals of opinion like THE NEW REPUBLIC and the *Nation*, which served as networks and billboards to hone a common set of public values. (It was Herbert Croly, an early NEW REPUBLIC editor, who first wrote of harnessing "Hamiltonian means to Jeffersonian ends.") They include social movements, like the industrial labor movement of the 1930s and the civil rights struggle of the 1960s. Roosevelt, of course, had his brain trust, but it was nurtured in the soil of the progressive movement of the 1910s and 1920s. The values came first, the "new ideas," makeshift as some of them were, flowed from the values. Public values are also something articulated by political leaders. It took a Wilson, a Roosevelt, a Kennedy, to capture the ideas that were vaguely circulating. Never has liberalism, as a coherent set of public values, been defined by policy mechanics.

The liberal quest for serviceable ideas is a little like the old story about the small boy in the barn, sifting through the manure heap, mumbling, "There must be a pony in here somewhere." You have to begin with the pony. □

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STANLEY KAUFFMANN ON FILMS

Fall Roundup

Macaroni. Silly but considerable fun. Jack Lemmon, an American businessman bearing the usual American success burden of riches and rue, goes to Naples for a conference. It's his first time there since he was a GI 40 years earlier, a time he (strangely) can hardly remember. After he is interviewed on TV, to his luxe hotel comes a seedy Neapolitan who had known him in 1946, Marcello Mastroianni, and whose sister had been Lemmon's girlfriend back then. We suspect that Mastroianni is out to make a touch, and Lemmon is equally wary; but the only touch the Italian wants is an embrace. His sister, now a grandmother, remembers Lemmon warmly and, for various affectionate plot reasons, would like to see him. So would her husband. So would Mastroianni's wife.

Macaroni
(Paramount)

Twice in a Lifetime
(Yorkin Co.)

The Doctor and the Devils
(20th Century-Fox)

That plot, created by Ruggero Maccari, Furio Scarpelli, and the director, Ettore Scola, has more twists than *fusilli*. Not much of the invention is good or even credible; what is flavorsome is what the actors do and what the city is. We get lots of Neapolitan places and vistas, lots of loony and endearing Neapolitan customs, lots of Neapolitan dialogue that seems understandable even if we can get it only through the subtitles. It's not as realistic as Giancarlo Giannini's recent Neapolitan comedy, *Where's Picone?*; it's more along the lines of *It Started in Naples*, the 1960 comedy with Clark Gable, Vittorio De Sica, and Sophia Loren. Which reminds me: *Macaroni* has no love interest. It's about two men in late middle age rekindling an earlier friendship through various new adventures. And of course, as Americans demand of such a picture, the American finds that life is lived more fully in Europe.

Ettore Scola has had a hot and cold directing career. *Passione d'Amore* and *A Special Day* (the latter with Loren and Mastroianni) were two of his best—intelligent scripts acutely directed. *La Nuit de Varennes* and *Le Bal* were examples of the lesser Scola—heavy scripts heavily directed. Here the script is far from heavy, it's flimsy; but he handles it with great confidence and point, from the traveling shot at the start in which he follows Lemmon out of the Naples railroad terminal and then comes around to show us his face, right on to the final cornily moving sunlit pan of the city of Naples.

Also he has awakened Mastroianni from the sleeping sickness that occasionally befalls him (*Henry IV*). From his first entrance—and he knows how to *enter*—Mastroianni, simply but subtly dressed by Nana Cecchi, is present, true, volatile. Lemmon's performance is more familiar because he has done this role so often, but that's no reason to underestimate his skill. If you can settle, as I did, for two good actors and a lot of Naples, *Macaroni* is a nice big portion of Movieland Italy.

Twice in a Lifetime. What do they mean, twice? Do they think this is only the second time we've seen this picture? A married man, with wife and children and grandchildren, turns 50, goes to his birthday party, and there meets a woman somewhat younger and sexier than his wife. . .

This time he's a steel-mill worker, played by Gene Hackman, the place is Seattle, and the milieu is comfortable working class. The wife is Ellen Burstyn, doing her best to be a Good Wife, aware that hubby is a bit removed, trying to bring him back with Good Wifery. The other woman is hard to care about because she makes such a strong, deliberate play for the married man, with no thought of anyone else; and the trouble is compounded because she is played by Ann-Margret, a disadvantage.

After all the utterly familiar exchanges and scenes, we are left with what is supposed to be a confrontation of truth. A marriage can wither, can simply wear out, like a pair of shoes. What the film omits in its truth-baring is that, in this case, it hasn't played out for the wife, only for the husband. What it also omits is that in our society, when only one of the 50-year-old partners in a marriage decides that it's over, it's usually the husband; and this has a lot to do with the fact that, in our society, he has a better chance with younger women than the wife has with younger men. At the end of the picture Burstyn has a new hairdo and new clothes but not exactly the same fresh chance that Hackman has.

Amy Madigan, as Hackman's daughter, sees exactly how selfish he's being; on the other hand, Darrel Larson, his

FILMS WORTH SEEING

Back to the Future. Good-hearted japery. A high school boy is whisked back 30 years in a time machine and seems to be stuck there, involved in his parents' romance. (Reviewed 8/5/85)

Plenty. David Hare walked a tightrope when he adapted his play for film, trying to balance fidelity to his ideas with wide popularity. He stumbles a bit. So does Meryl Streep as an Englishwoman with postwar letdown. The others in the cast, John Gielgud supremely, are fine. (9/30/85)

Shoah. The word is Hebrew for "holocaust." This nine-and-a-half-hour documentary (shown in two parts) contains *not one foot of film you have seen*. Claude Lanzmann, the Frenchman who made it, shot it after 1976, interweaving interviews with witnesses of the Final Solution—survivors, bystanders, and German participants. Ten years' work in 14 countries has produced a fine film and a grave, important contribution to history. (10/28/85)

SK

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son, understands his father's behavior completely and approves his courage. I don't contend that the son's approval isn't believable. Quite the reverse. Good luck to the woman who marries *him*.

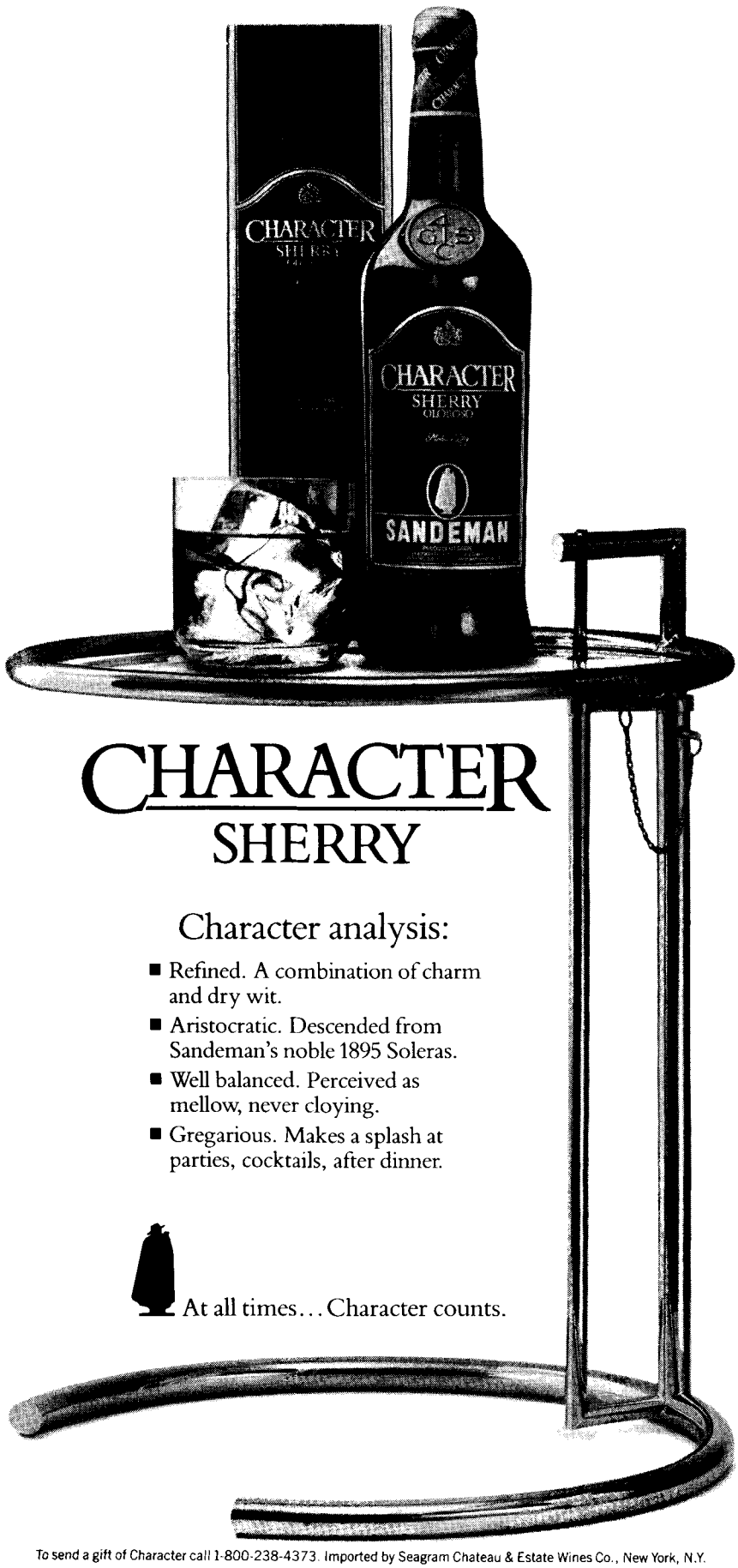
The script is by Colin Welland, who is credited with the well-written screenplay of *Chariots of Fire*. This story was originally set in Manchester, England, then transposed; and the dialogue hasn't traveled well. American locutions sound imposed on English sentence forms. The director is Bud Yorkin, who is big in TV and puny elsewhere.

The Doctor and the Devils. In his biography of Dylan Thomas, Constantine Fitzgibbon said: "*The Doctor and the Devils* . . . has not yet been made, though there is once again talk that it will be." That was written in 1965. At last the talk has been realized. Thomas's screenplay, revised by Ronald Harwood, has been filmed, and not a moment too late.

I read the Thomas screenplay years ago and have forgotten it without regrets. The setting is an unnamed British city around 1820; the theme is the conflict between scientific progress and the forces of social stasis. Medical researchers need human bodies for anatomical research but, by law, are permitted to dissect only the bodies of the hanged. These are insufficient. So the anatomists secretly pay men who bring them recently buried bodies from graveyards. (Dickens called these grave-robbers "resurrectionists.") The Harwood-Thomas screenplay is based on the historical account of one such anatomist and two men who were rather too eager to provide him with corpses—a true account that has also served previous writers.

The two low-life types, once they discover that there is cash in corpses, begin to assist ill or elderly persons over the great divide. Thus, without the doctor's knowledge, they entangle him in murders. The story is further complicated because the doctor's young assistant becomes infatuated with a young tart who is involved with the two resurrectionists.

The clumsily predicted difficulties are freighted with platitudes of good and evil. The doctor has lots of ringing statements about the need for scientific advance that, as enunciated by Timothy Dalton, seem to come from a tape recorder strapped to his back. Jonathan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Pryce and Stephen Rea play the low-lifers with hand-me-down tricks that are shabbier than their hand-me-down clothes. The heart-of-gold slut, played by Twiggy, must have had the best dentist in the otherwise miserable slum where she lives: her teeth gleam. Freddie Francis, better known as a cinematographer, directed; he gives us the 19th century according to 20th Century-Fox—as well as to other studios, of course, but *Lloyd's of London* (1936) seems the prototype—in which every historical detail was accurate and every moment phony. Here, too, the actors are patently in costumes, the lighting is stupidly shadowed, the mist is fresh from the mist machines, and the crowded taverns ring with laughter. My impression of British taverns of the time, from those Hollywood pictures and this latest one, is that nobody ever *stopped* carousing and laughing. It's a subject for Monty Python, not for anyone else.

ROBERT BRUSTEIN ON THEATER

The Classical Avant-Garde

As one of the events of this year's Venice Biennale Festival, the Rumanian-American director Andrei Serban and the Italian farceur Dario Fo discussed their differing approaches to the apparatus of commedia del l'arte, the first arguing for Gozzi's extravagant fantasies and magical transformations, the other for Goldoni's rougher-hewn, more socially engaged realism. It was a debate over the form and purpose of art, which has been going at least since Plato, but it nevertheless continues to have far-reaching political, social, and aesthetic implications. Should the theater artist, whether for purposes of celebrating or criticizing reality, present life as it really is? Or should he show us life as it should be, an alternative world as imagined by a unique, sometimes visionary, mind.

This argument reflects the irreconcilable conflict between realism and anti-realism, between mainstream culture and avant-garde experimentation, and in regard to theatrical production, it reached a 20th-century climax in the break between the realist Stanislavsky and the theatricalist Meyerhold. Ever since, theater directors have generally divided between those who try to serve the playwright faithfully (as Stanislavsky professed to do with Chekhov) and those who treat texts as scenarios for their own interventions (as Meyerhold did with Gogol). Living playwrights being understandably sensitive regarding liberties taken with their works by self-proclaimed auteurs, the experimental director has usually found more scope and independence working with the classics. This dynamic between the avant-garde imagination and cherished dramas of the past is now proving to be one of the most volatile developments of recent theater.

I believe it is proving also to be among the most significant developments of recent theater, equal in importance to the contributions of contemporary play writing. I realize this is not a view shared by many critics and I concede that heedless tinkering with the classics can lead to considerable abuse and absurdity. But the movement that began with Peter Brook's reinvestigations of Shakespeare, advanced through the radical classical interpretations of the Rumanians Ciulei, Serban, and Pintilie, and found American expression in Lee Breuer's *Gospel at Colonus*, Richard Foreman's *Don Juan*, and JoAnne Akalaitis's *Endgame* (inter alia) has been the basis for some of the most original theater of our time.

Although invariably controversial, the approach of what we might call the classical avant-garde is effectively challenging the established style of English classical production so beloved by mainstream audiences and critics. Often trained in performance group techniques, these interpreters are creating what Cocteau called "poetry of the theater" as distinguished from "poetry *in* the theater" (e.g., the English verbal emphasis), subordinating language to visual imagery, metaphorical shocks, puppetry, movement, music, sound, and magic. They are also part of a genuinely international movement—developed to a large degree through the

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interaction of the European and Oriental theater with the touring (or exiled) American avant-garde—which links artists as diverse in origin as Robert Wilson, Ariane Mnouchkine, Giorgio Strehler, Patrice Chéreau, and Tadashi Suzuki.

Two recent contributions to the growing canon of avant-garde classics display these artistic and generic roots: Suzuki's *Clytemnestra* (performed at the Biennale in repertory with his Toga company's version of Chekhov's *Three Sisters*) and Pina Bausch's *Seven Deadly Sins* (performed by her Tanztheater Wuppertal as part of the Brooklyn Academy of Music's Next Wave Festival). The Suzuki piece is the last in a trilogy of Greek plays interpreted by this unusual Japanese artist, and it is a remarkable blending of past and present, tradition and experiment, as well as of Oriental and Occidental culture. Performed on a bare stage adorned only by five chairs and three cylindrical urns decorated with the logo of Marlboro cigarettes, this piece is Suzuki's own compound of the Aeschylus-Sophocles-Euripides variants of the Orestes myth, transformed into a cruel dream of family anguish.

TRAINED in Suzuki's rigorous, highly disciplined physical system, five actors sit impassively in black fedoras and kimonos, staring into space as the audience enters. Orestes appears—an American actor, speaking in English, though dressed in traditional Japanese robes—soon to be joined by three Japanese actors in magnificent Kabuki costumes and wigs, clicking their haunting glottal phrases to the accompaniment of wind sounds and percussion. Joined by Electra and later by Clytemnestra (ferociously portrayed by the majestic Kayoko Shiraishi), they perform a series of mysterious symbolic acts, signals of violence and disruption, transmitted through images of family disintegration. Electra carries an effigy of Aegisthus, which she emasculates with spite and loathing; Clytemnestra carries puppets of dead children, their mouths agape in pain. Orestes agonizes over Apollo's fearful matricidal command ("I walk a cliff edge in a sea of evil, but evil I will do"), yet caught in the web of implacable fate he stabs his mother in the chest and vagina. Staggering like a surprised bull at the death thrust of the matador, she falls slowly into Electra, and when pushed roughly away, writhes on the floor, in an extraordinary

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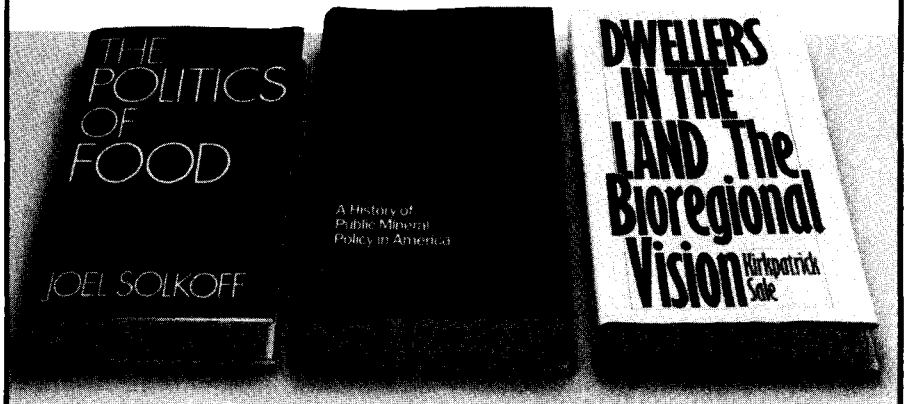
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display of realistic acting, for the long minutes it takes to die.

Later, Clytemnestra reenters as a baleful, hateful ghost, her eyeballs glowing red in her white face, to demand vengeance of the furies. And despite Apollo's pleas, Orestes must suffer a sequence of punishments, including a beating administered by an old man in a Scottish cape using a club that transforms into an umbrella. Traditional Japanese music turns to modern kitsch played by a salon orchestra, as Orestes holds his sister in a loveless embrace for an incestuous act. Clytemnestra's ghost sinks a knife into Orestes, then covers him with her kimono; all exit, holding their Marlboro urns, as in a marriage procession. The tale has been told, through time warps and space leaps, frozen tableaux and naturalistic actions, in a remarkable merging of Eastern and Western tradition.

"The fundamental drama of our time," says Suzuki, "is anxiety in the face of impending disaster," and the Hiroshima trauma clearly informs the work of the most advanced Japanese theater, including that of Sankai Juku and Dairakuda Kan. The sense of disaster informing Pina Bausch's free rendering of the Brecht-Weill *Seven Deadly Sins* is of a more traditional German kind, with roots in the sadomasochistic fantasies of Fritz Lang, G. W. Pabst, and Frank Wedekind. The piece, originally conceived as a ballet, was choreographed by George Balanchine first in Europe in the 1930s and then (with Allegra Kent and Lotte Lenya playing the twin Annas) at the City Center in New York in 1958. Dance plays a part in the Bausch version too, but it is a radical departure from the tone and intention of the original.

IT'S HARD for me to judge this presentation. Musically, it's surprisingly weak, with Michael Tilson Thomas conducting Weill's exquisite melancholy music with an amplified orchestra very heavy on gongs and cymbals, and Anna I sung poorly by an actress faltering in pitch and tempo, whose radio mike kept failing in crucial passages. (By contrast, Michael Feldman's conducting of the companion piece, *Don't Be Afraid*, as well as the singing in this Brecht-Weill song-collage, were exemplary.) Then, Brecht's sardonic vision of an imaginary America, where to commit "sins" such as Anger (against injustice) or Lust (selfless romantic love) is to risk falling off the economic ladder, has been totally abandoned in favor of relentless variations on the way men force their sexual attentions on women. There's only one sin in Bausch's *Seven Deadly Sins*, and that's male lust. Hapless Anna II is mauled, manhandled, slapped, felt up, and abused in every conceivable way, becoming a gibbering wreck not just at the end, but after experiences in the very first city she visits. Even her exploiting family is entirely composed of coarse males, though Weill strictly specified the presence of a mustached mother (played by a bass in a wig and dress).

There is such an age difference between the two Annas that their relationship is no longer a conflict between the practical and emotional sides of a split character, but an association between a demimondaine and her patroness—Catherine Deneuve educating Susan Sarandon in *The Hunger*, with similar lesbian overtones. In short, the Marxist ironies of Brecht's morality play have been buried under monolithic sexual-existential themes.

And yet, while regretting the loss of substance in the original, one cannot help but be dazzled by Bausch's theatricalist imagination. Performed on a bare stage, with a floor designed like a con-

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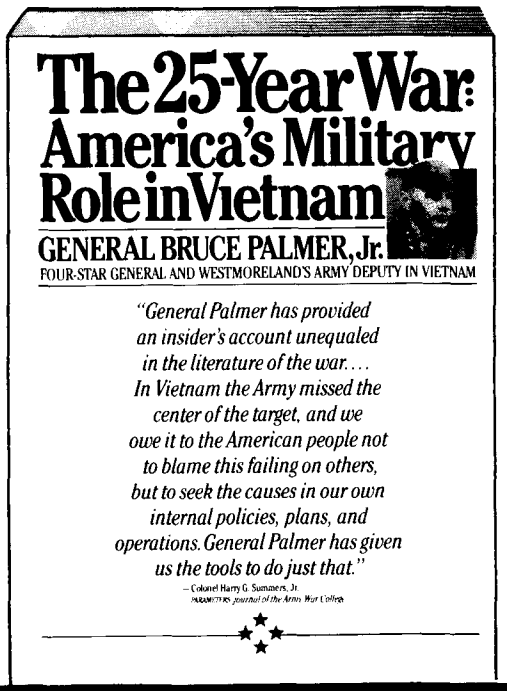
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crete sidewalk (including sewer drains), decorated only with four Beidermeier chairs on which the family sits, the piece is full of physical invention and imagistic surprise. Anna I—signifying her loss of innocence by changing from a simple print dress and Minnie Mouse shoes to a series of suggestive gowns—is always being hounded by a single leiko light on a stand. Men wearing ghoulish makeup and plastered hair wander among the women, suggesting unspeakable acts. A bevy of girls in their underwear, some dazed and drugged, others with sappy smiles, still others defiant, travesty a Michael Bennett chorus line. Men and women identically dressed in black double-breasted suits do a jerky diagonal cross over the stage like robots in Lang's *Metropolis*. A sinister male in a goatee weighs and measures Anna, including her pubic area, as if she were a slab of meat, chalking results on the floor, before grabbing her buttocks and grinding her like mortar. Spasmodic movements of love and jealousy, grotesque erotic foxtrots out of the drawings of Tomi Ungerer, drag acts and gross scenes of eating—all help to convey the peculiarly German perception that society is indistinguishable from a butcher shop, where human flesh takes on the quality of pork and beef, and all human instincts are gruesome, vile, and ugly.

Bausch, in short, displays that imagination of disaster that is the hallmark of so much postmodernist art, and with it, the postmodernist insouciance in regard to the integrity of established works. Brecht, though he also expropriated a lot of authorial material for his own purposes (refusing to recognize the value of private property either in literature or life), would probably not have appreciated Bausch's indifference to his thematic intentions, but he might very well have recognized her affinity for his unacknowledged sense of existential horror. It is to the spirit, then, rather than the letter of the text that the classical avant-garde pays allegiance, and a continuing question in the controversy over its productions is whether that spirit is being rejuvenated or defiled.

How politics distorted the history of the hip.

THE FAKING OF JAZZ

BY JAMES LINCOLN COLLIER

THE HISTORY of an art has rarely been so directly stood on its head as has the history of jazz. The almost universally accepted story of that music (told by myself, too, until recently) is so far from the truth that one is left gasping at the disparity. Even people who were there at the time are devoted believers in a tale which is not merely incorrect, but is contradicted at every point by perfectly obvious facts.

There are two basic tales embedded in the center of jazz history. The first of these says that jazz, during its early decades, was a folk music played by blacks for the entertainment of their own people at funerals, in honky-tonks, and in wine barrel rooms. Jazz, said Otis Ferguson, one of the best of the jazz writers of the 1930s, is "a natural folk art, as natural as singing." It is, said Sidney Finkelstein in a 1948 book on jazz, "a folk art and a people's art" developed for the black community. It was, said Rudi Blesh, a preeminent early critic, meant for the black public from whom the players could earn "immediate fame."

The second of these two stories, a corollary of the first, says that jazz was despised and neglected—although how it could be both is hard to see—by white Americans, and had to be discovered by more percipient Europeans. In New Orleans, Blesh insisted, whites forbade their children to listen to jazz—"Jazz is

James Lincoln Collier is the author of *The Making of Jazz* (Houghton Mifflin). His most recent book is *Louis Armstrong: An American Genius* (Oxford University Press).

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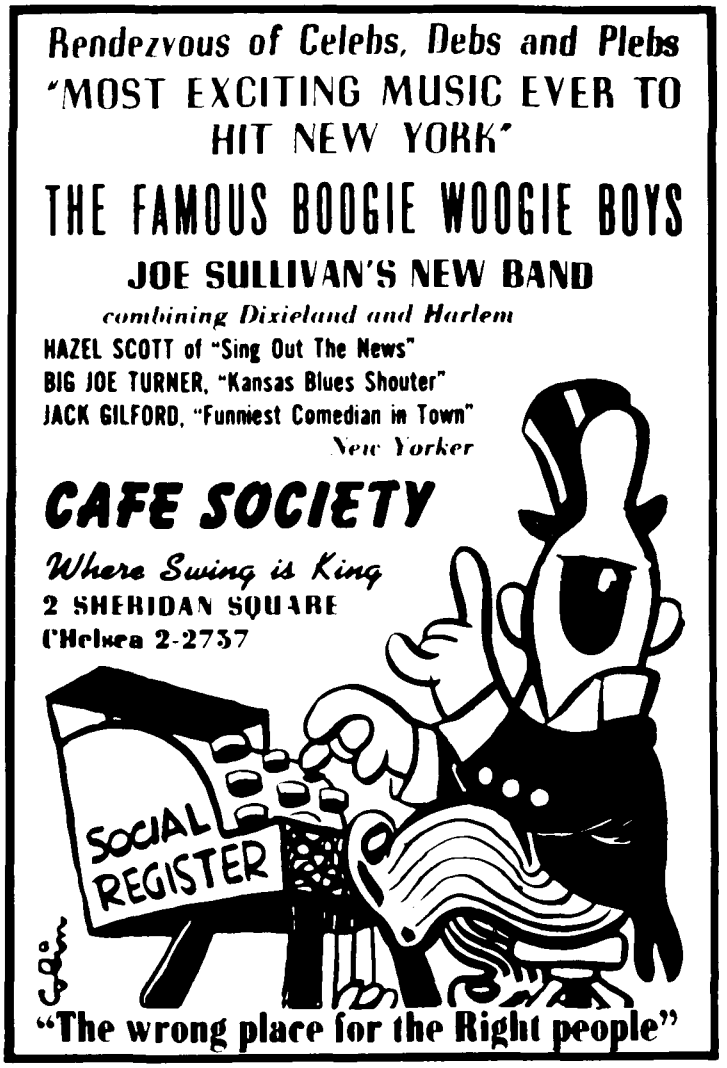
the music that whites in New Orleans saw only as 'nigger music' . . . perhaps even to be danced to if the inferior black men of the orchestra sat on a platform with their faces to the wall." It was, said Frank Tirro in a recent history, "met with impassioned opposition from the Victorian pro-prohibition majority of white Americans." As recently as 1981 John Hammond insisted that in the 1930s things were "better" for jazz in England than in the United States. To anybody reasonably familiar with the history of jazz, reading these reports is like suddenly finding oneself at tea with a huge white rabbit in a waistcoat and spats. It is hard to comprehend how these critics could have so misunderstood what they saw before them. For the reality was wholly different.

In a short space I can hardly give more than the briefest history of early jazz, but even a sketch should make it clear that jazz had a white audience from the moment it came into being. In New Orleans there were always some whites listening to jazz in black venues, like the honky-tonks of black Storyville, black picnics on Lake Pontchartrain, in Johnson and Lincoln parks. The legendary riverboats, where some of the most famous jazz pioneers polished their trade, were in fact segregated, for whites only. Whites were also hiring these jazz pioneers to play for them at the New Orleans Country Club, fraternity dances at Tulane, and fancy restaurants like Tranchina's on the lake.

When the music began to spread out of New Orleans to the cities of the North and West, it was drawn not by black migrants to the big cities, as has universally been believed, but by white entrepreneurs as a novelty music for white audiences. Freddie Keppard on the Orpheum circuit, King Oliver at jitney dance halls in California and elsewhere, the Original Dixieland Jazz Band in the Vernon Cafe in Chicago, and Reisenweber's Lobster Palace in New York were all playing for segregated white audiences. By the 1920s the greatest figures in early jazz history were attracting large white audiences, and were beginning to grow, if not rich and famous, at least well-to-do and celebrated. The Fletcher Henderson orchestra was a fixture for years at the Roseland Ballroom; Duke Ellington had the house band at the Cotton Club; Fats Waller was featured at Connie's Inn—all segregated venues.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POSTER FOR CAFÉ SOCIETY, A PROMINENT JAZZ CLUB OF THE 1940s

Louis Armstrong came to musical maturity at the black and tans—cabarets ostensibly black, but in fact designed to attract white audiences—in Chicago. By 1929 Armstrong, Waller, and other black entertainers were featured in a Broadway show called "Hot Chocolates," and were on their way to becoming popular stars, with radio shows and movie appearances aimed primarily at white audiences. Indeed, even as early as 1923, the infant medium radio was offering a great deal of jazz: virtually all of the great names of the 1920s and 1930s broadcast regularly, sometimes every night for weeks at a stretch, for audiences that were primarily white. It is literally true that in many American cities of the 1920s there was more good jazz on radio than there is today.

To be sure, these heroes also played at times at black clubs and black dances, and the least of them, who could not break through to the white audiences, played mainly for black audiences. Still, the best jazz of the period—the music so widely revered today—was being made largely for the pleasure of whites. Far from being despised and neglected in these early years, then, jazz was in vogue among Americans, to the point where it gave its name to an age. Jazz became the theme music of a younger generation in revolt against the "Victorianism" of their parents, just as rock was to become the theme music of a later revolution in morals.

An indication of the extent to which jazz was generally popular is the some hundred articles on the subject that appeared in the most popular American magazines during the 1920s, and the hundreds more that ran in newspapers. Much of this writing, certainly, was ill-informed, and lumped the jazz-inflected dance music of Paul Whiteman and others with the real thing. Still, when Duke Ellington sailed for England in June of 1933 to be, as is now everywhere believed, "discovered" by English intellectuals, he was sent off by a full-page story in *Time* and a sailing party attended by press photographers and the cameras of Movietone News.

It is certainly true that the majority of Americans in the 1920s took jazz to be the peppy dance music offered by the bands of Paul Whiteman, Irving Aaronson, and others, whose jazz content ran from considerable to little. But there was a substantial minority, ranging through the entire culture from the eth-

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nic ghetto dwellers to intellectuals like Gilbert Seldes and Edmund Wilson and the socially elect Van Vechtens and Hammonds, who had some idea of what the real thing was all about.

OVER the succeeding decades jazz has remained a steady presence in American life. There have always been jazz clubs in every major American city, always many dozen first-rate records issued each year, always some jazz on radio. At least some fractional amount of jazz has been included in over 1,500 American movies made since the advent of sound. Jazz, through bad times and good, has been a part of American culture—never *the* popular music, but always able to attract an audience sufficiently large to support it. Right up to today scores of musicians have been able to make their livings playing it, and at least a dozen have grown wealthy on it, including such uncompromising players as Miles Davis and John Coltrane, who was making a quarter of a million dollars a year at the time of his death in 1967, in the face of the rock boom.

No other culture can make the same claim. Everywhere outside of the United States jazz has been a cult music with a small audience, however devoted and knowledgeable it may be. The tours of a few black bands in Europe during the 1920s have been used to boost the case for widespread European interest in jazz, but in fact a study of *Melody Maker*, the English music business paper, for the period, and interviews with English musicians working in London at the time, make it abundantly clear that there was little live jazz played in any European city, and small audiences for the little available. It is important to note, as articles in *Melody Maker* establish beyond doubt, that the Europeans did not at this point believe they were showing the way to the Americans. They were, instead, eager to learn from them.

Even after the jazz dawn began to break in Europe in the early 1930s, interest was confined to musicians and a small coterie of jazz fans. There was not a single full-time jazz cabaret anywhere in Europe throughout the entire decade. London's jazz was played after hours at one or two restaurants, where the musicians were encouraged to come in and jam for drinks. In France jazz was played at occasional concerts; even as late as 1938 concerts featuring Django Reinhardt, possibly the most influential of European jazz musicians, would draw 400 people. In Europe, then, jazz was a cult music until the 1950s, when traditional jazz came into vogue among students for dancing. Even today there is far less jazz activity in Europe than in the United States—far fewer clubs, fewer records sold, fewer radio broadcasts, and smaller audiences in general.

Contrary to the conventional wisdom, according to which nobody in the United States saw jazz as anything more than music to drink and dance to until the Europeans floated it into the airy realm of art with their ecstasies, the American media began covering jazz within weeks of the sudden success of the Original Dixieland Jazz Band in 1917. The *Literary Digest*, a sort of middlebrow newsweekly, ran several serious pieces on jazz before 1920, a time when few Europeans had even heard the word, much less the music.

Through the next several years there were other articles in THE NEW REPUBLIC, *Arts and Decoration*, the *Atlantic Monthly*, the *American Mercury*, and others. Carl Engels in the *Atlantic* wrote, "For jazz finds its last and supreme

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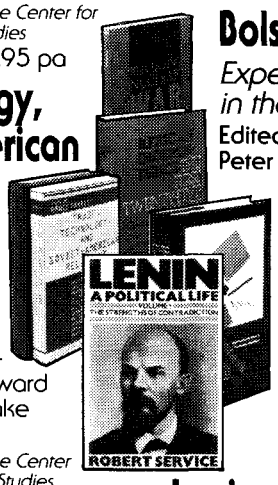

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glory in the skill for improvisation exhibited by the performers. . . . Each player must be a clever musician, an originator as well as an interpreter." Gilbert Seldes observed, in *Arts and Decoration*, that "among the lively arts, jazz is at present the most promising. It is hard, precise, and unsentimental."

Significantly, the writer who hit jazz the hardest in the serious American press of the time was a leading member of England's most influential intellectual circle, Clive Bell of the Bloomsbury group. In the September 21, 1921, issue of THE NEW REPUBLIC he announced that jazz was dead and went on to say that

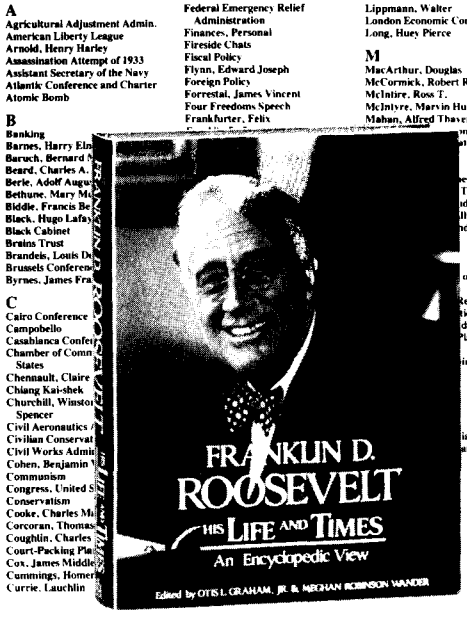
> only the riff-raff has been affected. . . . The movement . . . was headed by a band and troupe of niggers dancing. . . . Jazz art is soon created, soon liked, and soon forgotten. . . . Niggers can be admired artists without any gift more than high spirits.

Such a view was widespread among European intellectuals. In contrast, by the mid-1920s American intellectuals had adopted jazz as a special enthusiasm, one aspect of the new spirit they saw in literature and painting. Writing in 1924, Seldes quoted a jazz hater as saying that "the present jazz mania is exalted into a fetish by our clever but somewhat half-baked intellectuals." In 1925 Carl Van Vechten, a writer who had taken blacks for his subject, was getting up parties of intellectuals and society people to go to theaters to hear Bessie Smith. It was true, of course, that jazz had a considerable number of quite vocal opponents. But these people, too, saw that jazz was an element in the new spirit—it was part of the general collapse of morals. According to Ron Welburn, who has made an extensive study of this early jazz writing, the criticism was part of "a debate," not a general attack.

How, then, did the patently false idea that the music was despised and neglected in the United States become the dominant view in jazz historiography? For one, the black musicians who traveled to Europe, especially after 1930, usually failed to see beyond the small group of ardent fans surrounding them to a public that was largely indifferent, or actually hostile to jazz; they did not understand that the adulation they were receiving from dukes and earls, as well as other jazz musicians, was occasioned precisely by the fact that a major jazz musician in London or Paris was a rare treat. For another, European jazz critics have always been curiously uninterested in visiting the United States. Hughes Panassié did not trouble himself with a trip before writing his famous *Le Jazz Hot*. Charles Delaunay, for years editor of the French magazine *Jazz Hot*, did not visit the United States until 15 years after he had become interested in the music, and even today there are major European jazz authorities who have never visited the United States, and have no intention of doing so. Of course there is the indisputable fact that two of the early books on jazz—the Panassié volume and Robert Goffin's *Aux Frontieres du Jazz*—were indeed written by Europeans, but neither book was taken seriously by knowledgeable Americans—Otis Ferguson in THE NEW REPUBLIC called the Panassié book "a standard source of extremely valuable misinformation" and Blesh, while granting Panassié's "great enthusiasm," said his book was "confused." Both books are replete with errors great and small, and both writers had an unfortunate habit of describing events that had not occurred.

At bottom, however, it was a problem of the politics of culture. The main

Table of Contents



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culprits in twisting the history of jazz out of shape, who included the best earlier writers on the subject, were almost entirely from the political left. Hammond wrote for the *New Masses*, Ferguson for THE NEW REPUBLIC, Charles Edward Smith for the *Daily Worker*, B. H. Haggin for the *Nation*, and many of them were deeply involved in causes important to the left—the Pittsburgh coal strike, the Scottsboro trial, and black rights in general. These men were the primary writers on jazz of the time, and they were giving the music sensitive and perceptive coverage. They were also, however, altering facts to make them consistent with their political views.

THESE early American jazz writers formed a tiny but turbulent community that boiled with jealousies and ideological feuds. They were mostly young—some of them barely out of their teens—and came from backgrounds as diverse as those of the men in a 1940s war-movie platoon. The most knowledgeable and influential among them was John Hammond, for decades a power in the jazz world. A nonsmoker and nondrinker who always wore a crew cut, Hammond made an exceedingly curious figure among the pimps, jazz musicians, slumming tourists, and assorted lunatics that peopled the black and tans of Harlem and elsewhere. He was born a Vanderbilt and raised in a huge house on upper Fifth Avenue, where as a boy he had a suite of his own rooms (the handle on his toilet chain was cut glass), reached by an elevator. He was not, however, an indulged child; he was expected to grow up a man of rectitude and honor. He did, but not quite in the manner his parents expected. He fell in love with jazz at private school, dropped out of Yale early, and began haunting the theaters, clubs, and dance halls where jazz was played. He championed many jazz musicians, some of whom he discovered himself, and through enthusiasm, connections, and money brought to public attention people like Billie Holiday, Count Basie, and Benny Goodman. Few but the major musicians have had more effect on the history of jazz than Hammond.

Second in reputation was a man cut from entirely different cloth, Otis Ferguson. Ferguson was raised on a farm near Worcester, Massachusetts, became a merchant seaman, and eventually

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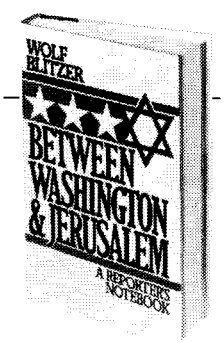

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went to college and started writing. He thought of himself as a member of the proletariat, and he developed a tough, slangy writing style that Malcolm Cowley, who edited and supported him at THE NEW REPUBLIC, tried unsuccessfully to tame. The other jazz writers thought him the best writer among them. Hammond said, "Otis was the best . . . I think Otis wrote better about musicians than anybody." Unfortunately, during the war Ferguson joined the merchant marine and was killed by a bomb off the coast of Italy.

A third man, who has never been given credit for his role in jazz criticism, is Robert Donaldson Darrell, from Boston. Darrell grew up torn between his love for music and for writing. He studied composition formally at the New England Conservatory, and joined an intellectual circle that included Richard Blackmur. More or less by chance he became editor (and virtually the whole staff) of the first American consumer magazine on recordings, *Phonograph Monthly Review*. He was primarily interested in classical records, but for the sake of completeness began reviewing popular records too. He took this at first as a routine chore. Then, in 1927, he was struck by a record by a group called the Washingtonians, about whom he knew nothing. This was the Duke Ellington band, and the record was the pivotal "Black and Tan Fantasy." Darrell grew excited about jazz, and began reviewing it seriously. Indeed, he can probably lay claim to being the first jazz critic. Unlike Hammond, whom he influenced, he had no contact with jazz musicians, and little with jazz fans; yet guided solely by his ear, he made dozens of sound judgments about early jazz that stand up today (Darrell was writing earlier than the others and was not involved in the politicizing of jazz).

THERE were others: the fractious, proper Bostonian George Frazier; the brilliant but wayward Charles Edward Smith, who worked at *Time* for a period; Barry Ulanov, who became a scholar of English literature; men like George Simon and Dave Dexter, who had long careers in jazz journalism; and Milt Gabler and Steve Smith, who ran record stores and competing jazz magazines. The problem for all these jazz lovers was to find an outlet for their enthusiasm. In the mid-1930s they found it in the nation's left-wing press.

The story is this. According to S.

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Frederick Starr, a Russian scholar who is also an authority on New Orleans jazz, the Comintern decided in 1928 that American blacks would be treated as a colonized nation. Come the revolution, a 49th state would be carved out of the South for them. This "hare-brained policy," says Starr, was worked up by men "who had been no closer to America than the Lenin Library." But as a consequence, jazz thereafter had to be seen as the "folk music" of these colonized people.

TO what extent the jazz writers were aware of the Comintern policy is impossible to know. Still, jazz had become politicized, and from then through the 1940s it was something of a pet of the left. In fact, most jazz writers already belonged to the left. Walter Schaap, who at the time was translating articles for *Jazz Hot*, said,

> The American jazz fans all tended to be left-wing. The reason being because the prevailing racism in America would set a right-winger against what you would call black music today. Guys who got interested in what black musicians were doing tended to be leftists.

John Hammond, who approached THE NEW REPUBLIC and the *Nation* before he was able to catch on with the *New Masses*, has recalled that "the people at the *New Masses* just hated jazz. But since it was the days of the united front, they thought this would be good for their cultural image to have somebody write about jazz, particularly about black jazz."

The political views of these men—and the papers they wrote for—forced them to regard the world of jazz around them in a particular way. They could not admit that jazz was widely popular with the hated bourgeoisie, nor that many of the downtrodden blacks who made it were driving Cadillacs and wearing furs. They were perfectly right in insisting that black jazz musicians were being exploited by a corrupt white entertainment business, that King Oliver and Jelly Roll Morton died in poverty, that the general American public was not buying the brilliant recordings of Sidney Bechet and James P. Johnson. But they were not able to balance these truths against the equally clear fact that Louis Armstrong, Count Basie, Benny Goodman, Fats Waller, and others were household names in America, and were growing rich and famous while playing a good deal of uncompromising jazz.

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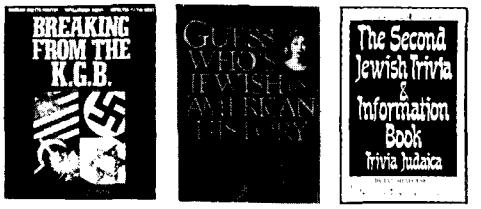

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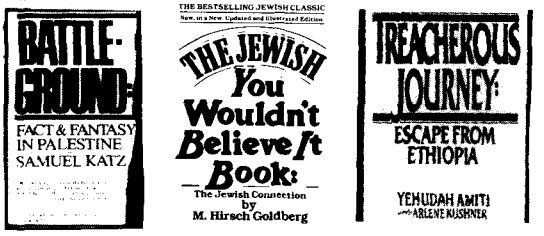

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Some of the greatest jazz records of this period, such as the Goodman trios, the Armstrong 1936 Deccas, the great Basie cuts with Lester Young, the Waller piano solos, were highly popular with the public, and a number of them, like Coleman Hawkins's classic "Body and Soul," were hits. But none of the left-wing writers could say how miraculous it was that this American art form was so widely accepted in the United States. They had to insist instead that the bourgeois American people despised jazz.

HAMMOND, in particular, was a major culprit in presenting this view of jazz and its past. He was influential, and he was publishing everywhere—in *down beat*, *New Masses*, *Brooklyn Eagle*, *Melody Maker*. Hammond's attitude toward journalism was, to put it charitably, carefree. He was not above giving ecstatic reviews to records he had produced himself. He was responsible for spreading the tale, without checking, that Bessie Smith had bled to death after her fatal accident because she was turned away from a white hospital; the story has been shown to be a complete fabrication, but it became the basis of Edward Albee's *The Death of Bessie Smith* and has been lodged like a stone in the throat of jazz history ever since. Otis Ferguson, in a basically sympathetic profile in the *Society Rag*, wrote that "as dean of the Swing Critics, accustomed to deference and not having his word disputed, Hammond has developed a habit of knowing the answers, and what's more, giving them to you." And he adds, "Every place he goes he presently spies that taint of commercialism in art or the sordid hand of capitalism clutching workers."

Hammond insisted, and continues to insist to this day, that jazz was unappreciated at home. In 1936 he wrote in the *New Masses* that "it was in the early twenties that the music was first developed and at that time it was looked upon with horror, by managers, leaders, and cafe owners alike. . . ." But he was not alone in distorting the history of this American art. Rudi Blesh similarly remarked that "one cannot exaggerate the protest with which jazz was met, when in the 1920's, it had spread to Chicago and New York. Composers, critics, ministers of the church, laymen, pundits, and ignoramuses had their fling. The storm was historic." And Sidney Finkelstein, in his history of jazz, insisted that it was "a social, communal, people's music and it was ghetto music."

Did Hammond really believe that club owners looked on jazz with horror in the 1920s? Did Blesh really believe that black musicians played with their faces to the wall? Did Finkelstein really believe that jazz was essentially a music of the ghetto?

Much of what these men wrote was ordinary jazz criticism, some of it excellent, with no political bias, and on the whole they were important in establishing the legitimacy of the music. But none of this alters the fact that the left-wing jazz writers of the 1930s and 1940s were altering the history of jazz for political purposes. If we are to know what the music means, we must know how it relates to the society and the culture from which it sprang. For that there is no substitute for the historical truth.

FROM GREENE TO GRASS

Atrocity and Amnesia: The Political Novel Since 1945 by Robert Boyers

(Oxford University Press, 259 pp., $29.95)

"Political" is, for many critics, a four-letter word. The very notion of the political novel, poem, or play makes them shudder with disgust and expect the worst: ideological harangues, black-and-white categorization of characters, brainwashing manipulation of the reader, the cramming of the unconstrained spirit of literature into the cage of some rigid party line.

A critic with such a set of associations in mind is in for a surprise with Robert Boyers's book on "the political novel since 1945." V. S. Naipaul. Graham Greene. Alejo Carpentier. Gabriel García Márquez. Aleksandr Solzhenitsyn. Nadine Gordimer. Jorge Semprun. George Steiner. Günter Grass. Milan Kundera. This is just a list of the chief subjects of Boyers's essays. Let us add, for good measure, a couple of names that he does not consider but that seem close to some of the above, such as Mario Vargas Llosa, Heinrich Böll, or Abram Tertz (Andrei Sinyavsky), and the result would be astounding. For it would appear that the most widely discussed novels in world literature in our half of the century somehow do fit into that dreaded pigeonhole of "the political novel." More important, by being artistically innovative, many of them have begun to give the political novel a good name. If Irving Howe's 1957 book *Politics and the Novel* still dealt with a narrow sector of contemporary fiction with a specialized theme, today's critic is forced to acknowledge the historic reality: it has become almost impossible in our epoch to write on the human condition without recognizing its political determinants. Political novels are perhaps only novels that strive for completeness of vision.

Of course, Boyers is not satisfied with such a vague conception, although at the same time he also warns that the diversity of contemporary material makes any strict generic definition unfeasible. Howe in 1957 could still argue that what makes a political novel political is its attempt "to incorporate ideology into the novel's stream of sensuous impression" so that, in the best of the genre, ideas themselves "seem to become active characters." This can be said, it is true, about the novels of Naipaul or Gordimer, or even, to a certain extent, García Márquez or Grass. But, as Boyers rightly argues,

> the intentions at issue are so much more various in these writers than in the early twentieth-century novelists studied by Howe that one must find new ways of discussing them. No theory of the political novel that installs Orwell or Koestler as a representative figure is likely to know what to make of *The Tin Drum* or *Autumn of the Patriarch*.

The second chapter of Boyers's book ("Time, Presence, Ethics: Imagining a Shared Reality") presents not so much his definition of the genre in its modern version as a determination of its under-

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lying thematic interests. These are the concerns that today's political novels share as an inevitable result of their being political, that is, their having "something to do with ideas about community, collective action, and the distribution of power." First, a novel thus oriented must necessarily be concerned with time:

> To commit oneself to a political view is, after all, to make a judgment on the viability of a particular way of doing things, or to attach one's hopes to a future that is struggling to be born, or to seek the restoration of an earlier dispensation that the present has betrayed or abandoned. Even to ask a political question, with no sense that a determinate answer or position is available, is to begin to think about one's relation to time.

Second, just as inevitably as it is affixed to the dimension of time, the political novel must be firmly rooted in Being, absorbed in a present object world:

> The political novelist draws us into this densely textured world because he believes that only in or through such a world can we find our salvation. The writer who has no love for this world, no patience with its imperfection, may propose to write a novel excoriating the present. But if he does not find along the way that he is more fascinated than he supposed with the shabby arrangements he despises, then he will produce not a political novel but a polemic.

The notion of "this world" embraces not only what is empirically recognizable but also what Boyers evokes by resorting to what Louis Althusser and Frederic Jameson called "the absent cause," a system of social relations accountable for the state of reality although nowhere empirically present in it (and accessible to us as readers only by the appeal a novel makes to our political unconscious). Finally, another underlying concern of the modern political novel is its interest in establishing a firm ethical foundation, an ethical basis for judgment; to ask political questions means necessarily to take up a moralist's stance, since moral perplexity inevitably results from the individual's active attitude toward history and community.

It is enough to have read Boyers's introductory methodological remarks to realize that the author is a rara avis in modern literary academia. On the one hand, his openly declared intent "to make a case for meaning and character and ethical content" puts him at odds with deconstructionism with its assault on the very idea of the semantic integrity of the literary text. On the other hand, he is no less alien to any ideological criticism, Marxist or other, which tends to ask first whether a literary work measures up to the guidelines of this or another doctrine, whether it is sufficiently supportive of this or another specific cause (which is the only right one, of course). It speaks well for both Boyers's critical intelligence and his integrity that he never uses simplistic labels such as "progressive" or "reactionary" (whatever these two terms mean) as a basis for his aesthetic judgment. He evaluates not the writer's views, but the literary use he makes of them.

Hence some startling, but always consistent, reevaluations. Solzhenitsyn, the whipping boy of many critics who accuse him of both political and literary conservatism, receives a fair treatment based on Boyers's close reading of the polyphonic narrative techniques that make *The First Circle* a much more intricate literary work than it seems to be. Greene, in turn, or García Márquez—both "progressives" and, at the same time, favorites of mass readership—are mercilessly shown as victims of the lim-

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itations inherent in their own respective visions. The former often fails as a political novelist because his "representation of commitment is compromised by his inability to move beyond the perspective of a closed monad" (his novels "can imagine no political enterprise that is not fouled by the corruption inherent in human nature"); the latter's *Autumn of the Patriarch*, especially if compared to books such as Alejo Carpentier's *Reasons of State*, appears as not a political novel at all but rather "a book in which politics is part of a uniform texture that subdues everything to an indivisible, undifferentiated weight and coloration." On the other hand, Grass, though ideologically in many ways the exact opposite of Solzhenitsyn, is praised again for his highly accomplished art of "negative dialectic" and "subversion of paradigms," which equips him to live up to his potential as a political novelist.

The word "potential" may well be a clue to Boyers's critical method. The strength of his book lies in his approach to each writer, regardless of his or her particular views. He asks each the same question: What did you, in your individual and idiosyncratic way, do to make artistic and cognitive capital of the enormous potential that rests within the limits of the political novel today? For today, in our world, possibilities are enormous indeed and they have to be realized in order to finally do away with the traditional idea of the political novel as something necessarily reduced to unequivocal, doctrinaire flatness. One of the recurrent motifs in Boyers's book is his defense of political novelists against the kind of simplistic critical reading that portrays them as heralds of this or another one-dimensional cause. (Besides chapters on Naipaul and Solzhenitsyn, a particularly convincing example is the essay in which Boyers makes mincemeat of critics who view George Steiner's *The Portage to San Cristobal of A.H.* as an attempt to whitewash Nazism.)

Moreover, in the final chapter he defends the political novel against the reservations of the authors themselves. I have in mind his "Letter to Milan Kundera," in which Boyers tactfully admonishes the great Czech for his protestations of innocence when classified as a political novelist, and makes us aware that Kundera's handling of the issues of the past and of memory is, under the historical circumstances, an act of artistic politics per se.

THE BOOK raises, in the very beginning, one intriguing question that remains unanswered. In his preface, Boyers himself takes apologetic note of the fact that his book is concerned with European, South American, and South African novels, while not including even a single chapter on any of the author's compatriots. Why is this so? Boyers's casual remark on the presence of "a provincial element in most American works devoted to political subjects" seems to me to have missed the point. If we are indeed to imagine the hero of the political novel as stretched between the extremes of Freedom and Necessity, it is clear that the latter has to have a minimum of oppressive, invincible power to make the character's struggle against it interesting at all. How on earth can a political novel emerge in America, where anything goes, where public activity is the citizen's birthright and you can found the most bizarre political party in 24 hours? Perhaps, then, it is only the less fortunate parts of the world that have to produce political novels—or rather, in which even novels on love or death have to be considered political, because there is no area of life

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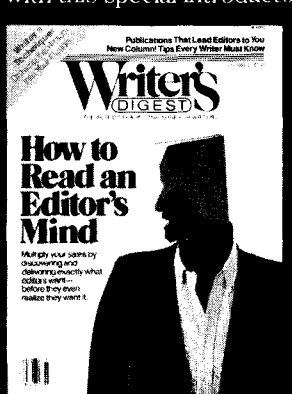

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free from the oppression of political Necessity. Boyers's analyses prove beyond any doubt that the best political novels of today can be literary masterpieces. But there is also no doubt that the genre as such would disappear if the world as a whole could enjoy a certain degree of political freedom, just as fever disappears when sickness begins to recede. Fortunately for political novelists, but unfortunately, this is not very likely.

STANISLAW BARANCZAK

Stanislaw Baranczak, a Polish author who came to the United States in 1981, is now professor of Polish literature at Harvard University.

EMPTY VASTNESS

Adventures in the Alaskan Skin Trade by John Hawkes

(Simon and Schuster, 400 pp., $17.95)

John Hawkes's new novel is much his longest, his most conventional in substance and manner, and by a wide margin his worst. The book comes wrapped in deception, from the title and dust jacket (a painting of a long stockinged female leg thrusting a spike-heeled shoe through a set of deer or elk or caribou horns), which promise erotic exploration and discovery such as have been among Hawkes's stocks-in-trade, to its description by the publisher as a "psychological thriller of stunning depth and perception." There's not a thing erotic about the book. It offers a few mild thrills of a physical kind but none of a psychic nature, and its perceptions are so far below Hawkes's usual level as to make you wonder what calamity of the literary imagination has struck here.

To dispose of the narrative, or plot, first. Jacqueline Deauville, called Sunny (pun), is taken as a girl of five in 1929 from Connecticut to Alaska, the result of a sudden decision by her father, John, who for unexplained reasons insists on being called Uncle Jake. He is a peculiar fellow, full of grandiose and, as it turns out, sterile ambitions; flamboyant and puritanical at the same time, he needed, Sunny tells us, "some vastness to smile upon." The mother, Sissy, is a woman who has "spent her poor wronged life clinging to music and femininity." She dies in 1935 and Sunny, now ten, is raised by Uncle Jake and several other "colorful" characters, who give her an education in frontier, largely masculine existence.

The story ends in 1965 with Jake having disappeared and Sunny working as the proprietor of the Alaska-Yukon Gamelands, an elaborate whorehouse about whose activities, unfortunately, we're told next to nothing. In the same way we're informed that Sunny's motto is "Heed Hedonism," that "sex is [her] favorite word," and that a bumper sticker on her jeep reads "sworn to fun, loyal to none," but nothing in the novel bears out any of this.

Although Sunny is the narrator, the book's protagonist is clearly her father. This is where the trouble begins and stays centered, for protagonist literally means "first contestant," more subtly the character in whom psychic struggle or moral suffering is chiefly played out, and for the life of me I can't determine what struggle or suffering Uncle Jake is undergoing. One possibility, if a thin one, is suggested by Sunny's frequent disparaging references to his exuberant and ham-fisted machismo. He lives, she says, "among the dark shadows of male certitude," has "mannish *mannerisms*," and offers "false flourishes of manhood."

If we add the facts that his own father was a sexual innocent while his grandfather seems to have been a satyr and that the family has fallen from rather high estate, becoming progressively more effete, Hawkes may mean that Jake is working out some male destiny designed to cut through, resolve, or transcend his psychic and moral inheritance. Alaska, huge, raw, infinitely *possible*, almost nothing at the time but future, would then be a fertile setting for such novelistic action.

But what undermines this desperate thesis of mine is that Alaska isn't so much a setting as a subject, and one that's treated by Hawkes, astonishingly, in a manner reminiscent not of Faulkner and the South or Edith Wharton and New York but of Michener and Texas or Hawaii. We learn what Juneau was like 50 years ago and how it got its name. We're told that the word "mush" as an order to sled dogs comes from the French "marche," to "go," and that bannocks-cakes are made from flour and glacial water. There are tales of the exploits of bush-pilots and the perils of their work, stories of crazed Indians and giant marauding bears, and futile searches for precious metals. It's as though Hawkes, one of the most oblique, gifted, and rigorous of our literary stylists, a writer for whom language has always been paramount and physical reality mainly a ground for verbal invention, wants to prove now that he can spin a yarn with the best of them.

Within my longtime admiration for Hawkes's work there have been pockets of irritation, annoyance at the way his imagination sometimes archly attenuates itself, occasional discomfort at the strain of cruelty he can exhibit. But I've never come close to being embarrassed by his writing the way I am by this novel. By turns flaccid or forced, sentimental, cute, *false*, it almost never affords delight or even satisfaction. A mildly arresting line like this—"I woke . . . to the blank consciousness from which the genie of unexpected life leaps forth"—is so rare as to reinforce one's conviction that the book is a huge aberration in Hawkes's career.

Here is some evidence of the disaster:

> [the woman] smelled as only a large and friendly woman can smell in the early morning.
>
> . . . faster went Robert McGinnis' fingers, voluble became his grunting.
>
> "Frank," said Uncle Jake, "just look at that, will you? Have you ever seen a grander sight? Why, that water's smooth and shiny as a silver dollar. And those wooded hills and pink reflections—the whole thing's like a gem in some sort of magic setting."
>
> "Good Lord! . . . the whole place is teeming with new life! . . . Why just look at that purple-majestied monkshood . . . growing on those charred twigs like violet-colored butterflies as big as your fist."

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A few times during my reading of the novel I wondered if I was being obtuse; had I missed something crucial, a strategy of parody perhaps? I don't think so:

> I watched with the bright attentive eyes of a fox cub in his cave.
>
> My pelvic tilt was like a fracture in the earth's crust beneath the sea, like a tropical plateau tipped up to the sun.
>
> So the day came. Inevitably the day came.

An aberration, then, something to be forgiven.

RICHARD GILMAN

Richard Gilman, who teaches at Yale, is the author most recently of *Decadence: The Strange Life of an Epithet* (Farrar, Straus and Giroux).

PASSIONATE DEMOCRAT

The Last Dissenter: H. N. Brailsford and His World by F. M. Leventhal

(Oxford University Press, 430 pp., $34.50)

Thomas Paine remains the foremost exponent of the modern democratic idea, the supposed official creed of our Western world. His *Rights of Man* somehow retains its original potency as the first democratic manifesto; he himself took practical steps to see it translated into action in rebel America, revolutionary France, and the England from which he had been driven as an exile. Yet the range of his worldwide achievement is rarely acknowledged. Only one writer, I believe, has assessed the full measure of his greatness. I mean no disrespect to the many scholars, especially the best American ones from Moncure Conway to Owen Aldridge, who have produced excellent biographies; but for the fullest appreciation of what Thomas Paine meant by the democratic idea (he himself more usually used plain old words like *freedom*), the best place to turn is still the essay about him written by a true kindred spirit, Henry Noel Brailsford.

In his life of Brailsford, F. M. Leventhal cannot refrain from quoting the call to arms with which Brailsford opens that essay on Paine. I do so too, and even at slightly greater length. No Brailsford enthusiasts (and there may be multitudes of them still among NEW REPUBLIC readers, since he wrote for the magazine for 32 years) will complain; and those now being introduced to him may mark the distinctive fall of Brailsford's sentences. They have a Paineite terseness about them, but are touched also with a beauty of shape and rhythm that Paine himself seldom achieved. The opening tocsin in that essay on Paine:

> "Where Liberty is, there is my country." The sentiment has a Latin ring; one can imagine an early Stoic as its author. It was spoken by Benjamin Franklin, and no saying better expresses the spirit of eighteenth century humanity. "Where is not Liberty, there is mine." The answer is Thomas Paine's. It is the watchword of the knight errant, the marching music that sent Lafayette to America, and Byron to Greece, the motto of every man who prizes striving above enjoyment, honors comradeship above patriotism, and follows an idea that no frontier can arrest. Paine was indeed of no century, and no formula of classification can confine him. His writing is of the age of enlightenment; his actions belong to romance. His clear, manly style, his sturdy commonsense, the rapier play of his epigrams, the formal, logical architecture of his thoughts, his complacent limitations, his horror of mystery and Gothic half-lights, his harsh contempt for all the sacred muddle of priestly traditions and aristocratic politics, his assurance, his intellectual courage, his humanity—all that, in its best and its worst, belongs to the century of Voltaire and the Revolution. In his spirit of adventure, in his passion for movement and combat, there Paine is romantic. Paine thought in prose and acted epics. He drew horizons on paper and pursued the infinite in deeds.

Several of the tributes to Paine may be applied equally to Brailsford. But first let it be noted that the immediate result of the publication of this book should be to send a whole new generation of readers to Brailsford's own

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books: the three classic volumes to begin with, but then some of the others too. First, then, *Shelley, Godwin and Their Circle*, in which the Thomas Paine essay is included, a little Home University volume masquerading as a literary diversion but in fact a democratic manifesto worthy to be set beside the *Rights of Man* itself. Next, in the same edition, his *Voltaire*, which Leventhal, echoing Brailsford's own verdict, rates the most perfect of his productions. Then *The Levellers and the English Revolution*, a book absurdly underrated when it was posthumously published in 1961. Even though he could not himself complete *The Levellers*, its motive power is not lost. Even in the age of Christopher Hill, when the study of the English Revolution has been raised to a higher altitude than ever before, Brailsford's book retains its appeal, both for what it achieved in innovation and for its enduring spirit. No one can turn the pages of history into battle cries better than Brailsford; with him the past and the present are welded into a single revolutionary force. Having read these books, how must we bewail the lost volumes—as revealed by Leventhal—of Brailsford's *History of Socialism*? Thanks to his quarrel with Victor Gollancz and a few others about what should or should not be written on the tender theme of the Soviet Union and Stalinism in the late 1930s, he was inhibited from proceeding with the history that he could have written more movingly than anyone else. But then we need waste no time on such vain regrets. The existing wonders are enough.

Alongside these most memorable few tens of thousands of words, Brailsford wrote millions of others, almost without stop from the beginning of the century until a few years before his death in 1958. Some of these he wrote directly as a reporter—in the Macedonia of the early 1900s, or the Central Europe of the 1920s—when his mind and soul were seared by the spectacle of the cruelties that men and women could inflict upon one another. Many more were unloosed in leading articles or editorials. This is not a literary form that has ever won much favor from other writers. Since the requirement is that the writer must reach for sharp, firm judgments with never-failing assurance, daily, weekly, and anonymously, too deep an indulgence in the practice and too relentless a disinterment of past utterances may destroy any reputation. Leventhal follows Brailsford through these labyrinths with just about the right combination of skill, sympathy, and scruple, and it is truly remarkable how well he survives the scrutiny. Of course, he was not always right. Indeed, Brailsford could be spectacularly wrong—for instance, on the subject he returned to often: the way the world was going in 1914. But no one could ever convict him of pandering to popular prejudices and passions. He did, like Paine, want to detect the tides in the affairs of men, but he was ready always, like Voltaire or Paine again, to withstand the peremptory, exorbitant demands of authority.

One of these sequences of mighty events in which Brailsford found himself embroiled, both as reporter and participant, was the pre-1914 struggle for women's rights. Leventhal rightly insists that Brailsford's role was crucial for both himself and the cause. With a splendid, quixotic courage (for him the mingled qualities were hardly distinguishable) he threw up his own job on a Liberal newspaper to serve the cause more faithfully. His sympathies were torn between suffragist and suffragette. He undertook the risky role of conciliator between the different factions and the Cabinet ministers, who he knew must be treated with the wisdom of serpents. He started by warning the militants not to "throw away the weapons of truth and right." He was horrified by the methods of barbarism to which the ministers resorted; he saw the politicians (some of them the great Liberal leaders) feeding accusations of deceit and cynicism. He was buffeted from all sides; he felt "sore and raw." And yet no man of his time did more to serve the women's cause.

He was one of the few who had the historical imagination to place this struggle in its true perspective as part of a wider human enfranchisement. "He responded as sincerely to the plight of the women in England," writes Leventhal justly, "as he had to that of the Irish and the Macedonians, and once his sympathy was enlisted, it burned with a flame that prudence could not extinguish." The word "prudence" here seems a strange intrusion. If prudence could be part of compassion for others in the conduct of political affairs, then he made the necessary effort to see further than most politicians (or leader writers) normally do. But prudence for the protection of his own interest was not part of him at all—or such was the supposition of almost all of us who ever knew him. He would not even write about himself. He despised what he once dismissed as "the intrigue and the petty egoisms of committee life." He sometimes derided Kingsley Martin, who "wastes endless time discussing his sick conscience." He was, or so it appeared to many of us, the most unegotistical of men.

And how well he chose the causes for which he did fight with all his heart and all his mind and all his dazzling intellectual gifts. The women's cause was one, the fight against imperialism in every shape or manifestation was another, as were the rights of small nations and the need to sustain democratic socialism as a serious revolutionary force. The absolute requirement to uphold the right to individual judgment alongside collective rights was yet another. The paramount duty, deriving from what he saw long before 1914 and thereafter throughout his life, was to recognize that socialism was an international creed and that the intelligent pursuit of world peace was the greatest cause of all. To read again the way Brailsford could present his case

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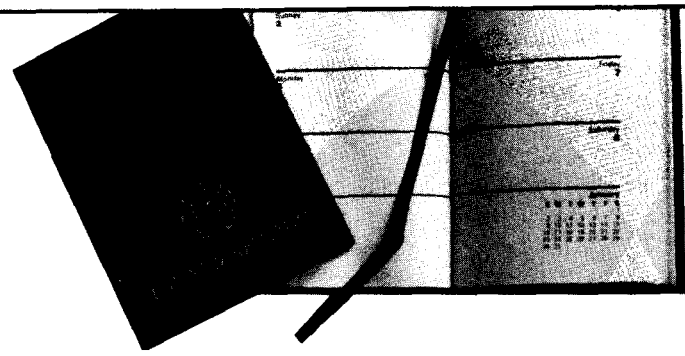
on these great themes is to invest them with a new vibrancy, an ever fresh inspiration.

HOWEVER, as Leventhal quite correctly insists, there was a deeply sad, almost tragic personal side to his life, of which some of us who knew him quite well had no inkling. He had a fierce, long-lasting quarrel with his relentlessly religious father. He was estranged from his sister on this account, and only achieved a reconciliation with her in the last few years. His marriage to Jane Malloch was a cruel, piteous failure, but long-lasting, too, like his quarrel with his father. Most of us who knew him in the years of his association with Clare Leighton and later with Eva Maria Perlmann thought that both these loves must have brought him peace. But it was not so. Eva Maria did, but maybe by then the task was easier. Something from that old Calvinist upbringing left a lasting curse. He would sometimes recall his father's favorite horrific hymn:

> Nothing has the saint to fear
> Though earth should be destroyed
> He can laugh at danger near
> And smile above the void.

And then Brailsford adds his own mordant stroke: "The whole chapel rose and sang with a swing and a will. One heard the flames crackling, and the saint warmed his fingers at the blaze."

The scene is worthy of inclusion in Paine's *The Age of Reason*, and the interweaving of their lives and achievements is a topic of endless fascination. Each felt the lash of a foreign master as it fell across their own backs, and became therefore the most eloquent opponents of imperialism—in India for example: such was Paine's prophetic power. Each revolted against the oppressive religious orthodoxies of his age, and the nature of this revolt colored each man's politics. Brailsford, under his father's rhetorical whip, once described himself as "a shivering stranger in a hostile world." He would search for his comfort in much wider comradeships. Each had the same golden gifts in the use of the English language, and used them for the same purposes. It was even true that their personal lives were entirely shielded from public gaze; both wanted it that way. Both at one time or another were victims of vituperation and misrepresentation from near-friends who ought to have known better.



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The real reason they were assailed was that the democratic faith that they shared could not be cooled to the point of comfortable bourgeois complacency—something that could be mouthed quite readily, say, by President Reagan or Mrs. Thatcher. A real appeal to the people remains always a revolutionary doctrine, as much in Brailsford's day as in Paine's, as much in 1985 as in 1912, when Brailsford presented the women's case as "a mental emancipation and a moral awakening," or in 1792, when Paine said with his grand simplicity: "Mankind" (by which he always included womankind, being one of the first of the real feminists before the word was ever invented) "are not now to be told they shall not think, or they shall not read."

Brailsford concluded his essay on Paine with a challenge:

> His place in history is secure at last. The neglected pioneer of one revolution, the honoured victim of another, brave to the point of folly, and as humane as he was brave, no man in his generation preached republican virtue in better English, nor lived it with a finer disregard of self.

It is hard to withhold any part of the tribute from Brailsford himself. We must note, too, that he added to the texture of revolutionary prose something of the poet's ardor, an advantage he had even over Paine. He could incorporate the instruction of all the unacknowledged legislators: Shelley, the foremost in Brailsford's testimony, but Keats and Burns and Byron too. "There is a poetry of the flesh and the devil," he once wrote,

> which is simple and naive, and rarely attains a high order of power and imagination. It flourishes among the races which do not believe there is anything really reprehensible in the flesh and the devil. It is only in Puritan and Protestant lands that the same tendency attains to genius, for only in them does it possess a spiritual and cosmic significance.

These words appear in a little volume hard to find even in the second-hand shops, called *Adventure in Prose*. They were written at the height of Brailsford's quarrel with his father, which must have been no mere Oedipal struggle. Faced with any new demand for conformity, especially one with religious pretensions, he would summon to his aid the full force of the nonconformist tradition, as his 18th-century heroes had done.

MICHAEL FOOT

Michael Foot, former head of the British Labor Party, is a member of Parliament from Blaenau Gwent.

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SPOTS OF TIME

Midair
by Frank Conroy

(Dutton/Seymour Lawrence, 149 pp., $15.95)

Eighteen years ago, Frank Conroy produced a fascinating book called *Stop-Time*. It was autobiography, but the separate chapters were as finely plotted as short stories, and they worked together so well that their cumulative effect was that of a novel.

Stop-Time described a harrowing childhood and adolescence. Young Frank hardly knew his father, who spent most of his adult life in rest homes and died early of cancer. His stepfather was a good-hearted ne'er-do-well who dragged the family here and there during various casual stabs at earning a living—now building his own clumsy house in the Florida wastelands, now taking on a nightmarish job as attendant in a state hospital. The household was always disorganized and unpredictable, and the boy grew up in a constant state of insecurity if not outright terror. He seemed doomed to failure even as a teenager, but then—by virtue of a miraculously high score on his college entrance exam—was accepted at Haverford. The book ends there, on a note of hope. However, a prologue and epilogue written from a latter vantage point suggest that the author may have continued, even in adulthood, to exhibit a certain troubled streak. He is last seen careening through the night in a Jaguar at a suicidal speed.

Now we have *Midair*, only his second book. Those years of silence were not wasted, though; Conroy's talent must have been ripening on its own. The eight stories collected here show a harder edge than the earlier ones. They're more honed and more assured. Many have an autobiographical ring, but *Midair* is billed as fiction, and a few of the stories are outright fantasy.

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The title story is the most effective. It begins in an atmosphere you can almost taste: a brilliantly sunny, windy day, with three people tearing merrily down a street. The three are a small boy, his older sister, and his elated father, who has unexpectedly returned from a rest home. The crispness of the air, the father's red cheeks, the wind that billows the curtains in the family apartment—everything seems festive, at first; but then we see the underside. There's a dawning sense of feverishness, finally of sheer insanity. The story is told by the man who was once that small boy, and its point is the powerful influence that events from the past can exert even when they're totally forgotten. It's a fascinating piece of work.

"Gossip" is a slightly less successful exploration of a similar theme. Its main characters are writers and writing teachers (which may be why I found it less successful), and much of it takes place in a Kansas writing program that sounds suspiciously like the University of Iowa, where Conroy taught for a time. Here the point is the wiry strength of the threads connecting certain people to others, with casual remarks reverberating years later to have a devastating impact.

In "The Sense of the Meeting," a Haverford alumnus returns to his old college to watch his son, now a student there, play basketball. There is a precise point at which the father feels a change in his love for his son; it's no longer the fearful, anxious love one harbors for a child but something "darker, stronger." "This would be the love," the father realizes, "with which they would live henceforth." It's a wonderful moment.

"The Mysterious Case of R" tells how a psychiatrist who treats artists and writers is taught a lesson by one of his patients. Urging an artist to work purely to attract the Muse, the patient says—urging him to write, for instance, even if he is afflicted with writer's block—is a terrible mistake.

> You must never forget, he said . . . that the artist who works without inspiration creates a dead child, a child he nevertheless loves as he would a living one, and that the sensation of all one's work and love going into something not alive, as nothing can be alive without the Muse, is very much the same sensation you would feel if a patient you had worked your painstaking, dedicated work with for years, and come to love, were suddenly to raise his hand in the air, snap his fingers, and disappear.

This story is one of the fantasies—the patient is an angel, it turns out—but one suspects that even so, there may be a personal connection in the author's mind. It could be read as a reply to people who wonder why he let 18 years elapse before producing a second book.

WHAT distinguishes *Midair* most clearly from its predecessor is the transformation that seems to have occurred in Conroy's vision. In *Stop-Time* his vision was unexceptional; it was his narrative one noticed. But in *Midair*, we keep discovering unique arrangements of space, unique qualities of light. Characters often experience dislocation—the sense of having been taken apart and strewn across a room, the notion that sounds are "hanging in space like tangible objects," the image of a hospital's rolling carts "sliding back and forth in the halls as if the entire hospital were slowly rotating in the air." Internal shifts bring on the sensation of physical shifts: "Profound changes occur in the dark parts of his brain, as if the lobes, like sliding blocks in a wooden puzzle, are gliding momentously into new positions and new alignments." Colors start "going wrong in the trees"—the result of a solar eclipse, it emerges; but the hero first attributes it to his realization of his mother's impending death.

A father mistaking a stranger for his son appears to be seeing the son "across a supernatural barrier—as if he, [the father], were a ghost haunting the elevator, able to see the real body of his son but unable to be seen by him." A man listening to music grows conscious of "vast spaces within himself—long, open reaches where notes disappeared like lazy meteors." And a man who discards his newspaper at a set time each day imagines

> an enormous metronome, a metronome the size of a mountain whose giant tongue swept slowly and majestically through miles of air to tick once, and only once, a day, at precisely the moment he dropped the newspaper into the trash.

In fact, as you read these stories the word "midair" takes on a different meaning. It's not the literal meaning we first assumed from the title story, where a child is held out a fifth-story window, but figurative. We begin to associate it with that suspended instant that precedes new comprehension, or a radical swerve in one's life.

Another thing: you notice that all the characters here are men. The underly-

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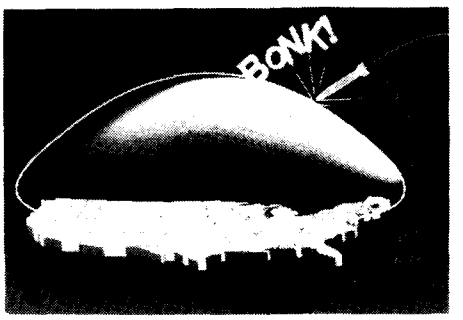

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ing concern of much of this book is how to live in the world as an adult male. How men connect with their sons and fathers, their old college roommates, their squash opponents, how they cling to their drinking rituals and their driving rituals, the ways in which they test the challenge themselves—that's what preoccupies Frank Conroy. He makes it seem very mysterious, and very difficult. But well worth the effort, in the long run.

ANNE TYLER

CORRESPONDENCE, *from page 6*

obscure, incoherent, self-indulgent.

Lessing is a difficult writer, surely, and not always a graceful one. Her influence, to answer Bell's question, flows directly from her intelligence and her willingness to bring that intelligence to bear on contemporary issues.

How is it that Bell can use the term "realism," then fault Lessing for ambiguity? Should not the fact that the reader at the conclusion of *The Good Terrorist* both despises and pities the would-be revolutionaries serve as a clue that, just perhaps, the author does as well?

KATHLEEN PATTERSON
Washington, D.C.

ETHNICALLY SPEAKING

To the editors:

The article titled "How to Gyp the Japs" (TRB, September 2) is catchy. I had to wonder whether any of those involved gave any thought that it was at the same time ugly and offensive. Given some of the other articles that you have published on Asian-Americans, I was hoping that there would be some anguish over the title. Asian-Americans get tormented and beat up when we allow the word "Jap" to be thrown around.

RON WAKABAYASHI
National Director
Japanese American Citizens League
San Francisco, California

TRB replies:

Don't be so stuffy. "Japs" is not an ethnic slur, like "niggers" or "kikes" (or "slants"). It is a national nickname, like "Yanks" or "Brits" (or, at worst, "Frogs"): mocking, perhaps, but surely not beyond the pale, especially in the title of an article ridiculing anti-Japanese sentiment.

TRB, *from page 4*

ing polio from it—as if this would lead any rational person to expose his children to the far greater risk of catching polio from *not* taking it.

More and more, though, any pretense of finding fault is abandoned and manufacturers of inevitably risky products are held "strictly liable" for any harm that comes from them. The theory is that they will absorb the cost and spread it around to all users. Whatever the theory, it is no defense that your product or activity is approved by the government agency that supervises such things. A chemical company recently was held liable for "mislabeling" a can of paraquat poison, even though the wording was not merely permitted but actually required by the Environmental Protection Agency.

In real life, any theory will do as long as it gets the case to the jury, whose natural sympathies will usually produce a large judgment without much concern for the legal technicalities. Fear of juries leads defendants to settle suits, whatever their merits. High settlements lead to skyrocketing insurance rates. And soon so much cost is being absorbed that the activity in question, be it practicing gynecology or manufacturing a vaccine or being on the city council, is no longer economically practicable.

Members of the Reagan administration who are alarmed about this trend regard it resentfully as backdoor government activism. In an era when new regulatory agencies and new social welfare programs don't have a prayer through normal democratic channels, they see liberal judges and greedy lawyers conjuring up vast schemes for income redistribution and controls on business through the courts. The "tax" that pays for these new programs is huge, but hidden ($12 for a dose of diphtheria vaccine that cost 15 cents a few years ago), so there is little political resistance. But they fear that the government often will end up footing the bill anyway, by interposing itself between some vital activity and a tort system gone wild. In 1976, for example, the government indemnified all manufacturers of swine flu vaccine. Otherwise, no one was willing to make it.

The irony is that the Reaganites are trapped here by their own dogmatism. The obvious solution to the problem of state courts competing against one another with ever-wackier theories of tort liability is national legislation setting sensible rules and exempting activities that meet federal standards from the risk of lawsuits. But overruling state law in this way would violate the axiomatic Reaganite belief in "federalism," while enhancing the power of national regulatory agencies would violate a related taboo. So the Reagan administration supports tort reform, so long as it *doesn't* mandate a uniform national standard.

Meanwhile, the fact that conservatives are alarmed by the tort explosion is no reason that liberals shouldn't be. As it now operates, tort law is more like a lottery than a rational and humane system of justice. Yes, some sufferers receive the balm of money. But people with the identical grievance collect radically different amounts, ranging from nothing if they don't sue (as many don't) to millions if they hit the jackpot with punitive damages. What you can collect depends on all sorts of arbitrary factors such as where you live, the size of the defendant, what judge you get, how much publicity there's been, and so on. It also depends a lot on factors like the amount of your lost earnings and the size of your medical bills. This means that affluent people—who are more likely to sue in the first place—collect more than poor people for the same grievance. Above all, collecting from the tort system depends on having someone to sue. If you just get cancer for no apparent reason, you're out of luck.

Anyway, most of the redistribution in tort law is from everyone else to the lawyers. In all the current litigation over asbestos, for example, the average cost per claim has been $101,000. Of that, $37,000 has gone to the defendant's lawyers, $25,000 to the plaintiff's lawyers, and $39,000 is left for the plaintiff. These numbers are typical. Studies of different aspects of the tort system always show that lawyers get over half the money.

Worst of all, from the liberal point of view, the tort system teaches a cramped lesson about justice and injustice. Most of the suffering in our society—dreadful diseases, loss of employment, simple poverty, whatever—is part of everyday life, not the result of specific actions that disrupt everyday life. Relief of suffering needn't depend on finding someone to blame. The instinct that says it's wrong for people to suffer unnecessarily should be directed into politics, not into lawsuits.

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CAMBRIDGE DIARIST

Terrorists and Pacifists

"PLO GAFFE seen giving Jordan edge," reads a front-page headline in the October 24 *Boston Globe*, my breakfast newspaper. Had Yasir Arafat made some particularly clumsy social blunder I hadn't read about? Of course not. So if the *Globe* did not mean by "gaffe" an error in etiquette or some other minor mistake of the Palestinians, to what was it referring? The "gaffe," it turns out, was the hijacking of the *Achille Lauro* and the murder of Leon Klinghoffer. Such use of unoffending nomenclature for terror is just another instance of the American press seeing even the most deadly aspects of politics as hardly more than a game. From the "gaffe" perspective, what's wrong with this latest act of terrorism is not the addition of one more name to the list of innocent victims, not the brutalization of another cohort of civilians, but a new image problem for the terrorists: a crime of manners. The Palestinian ultras may well look at their ill-fated venture on the Mediterranean as a gaffe, because that's what it was to them: a routine act of violence that went awry and—with all the brazen lying that casually followed in its wake—a revelation to the world of how little the word of the PLO can be trusted. It is understandable why the *Globe* also might think of these developments as a gaffe. Its editorial page, perhaps more than that of any major paper in the country, has for years been treating the PLO as a cognitive problem. If only we would see it as moderate, then maybe that's what it would turn out to be. But the charade can be carried on no longer. What this winglet of the PLO did on that ship has been, alas, the order of battle for organized Palestinians for years: make war on innocents, persuade the innocents that the war will not cease until the demands of the PLO are met, and pretend all the while that the war originates with someone else. The truth is now out. The lie is no longer serviceable. A fine editorial October 26 suggests that even the *Globe* has finally gotten the message.

YASIR ARAFAT'S MODERATION was the indispensable premise for partisans of the Arab cause. It was the justification for putting the PLO forward as central to negotiations with Israel, which in any case the PLO didn't seem to want. Now that the premise is no longer plausible, you would think that at least some of those who shared it would change their tune entirely or choose silence for a while—out of embarrassment if nothing else. But they've latched on to a new premise, a subtle variation on the old. The revised version goes something like this: it doesn't matter whether the PLO is moderate or not, whether it practices terror or not; negotiations are always conducted with people who want to kill you. These realists are the sort who, instead of backing the Czechs against the Nazis, would have pressed Eduard Benes to compromise with Hitler. But the PLO is not a force that wants to be or structurally can be conciliated. Those who always speak up for Arafat impede the way for the many other Palestinians who really want to find a way to live with the Israelis and also to get the Israeli soldiers off their backs.

LAST WEEK I INTRODUCED Israel's prime minister, Shimon Peres, to a group of writers and intellectuals, calling him "the most literate head of government in the world today." He said, "Considering the comparison that's not much of a compliment." This is true. Still, in different languages and across cultures, Peres's sensibility impels him to try to understand and also to communicate. He is clearly at home in the world of high culture. He has translated French, English, and American poets into the Hebrew, extremely well, I am told by people who can judge these things. In Israel itself, he has surprised his friends no less than his opponents with his skill at establishing rapport with—while extracting sacrifices from—a largely poor population living under conditions of siege: economic austerity, escalated terrorism, doctrinal intolerance. He has established this rapport without pandering or inflaming, which is something that cannot be said for his two immediate predecessors, Menachem Begin and Yitzhak Shamir. In Washington and even at the United Nations, not an inordinately congenial environment, Peres impressed the most skeptical observers with his eagerness to take the necessary risks for peace. This brought him grief from some of his governing coalition partners, who prefer to risk war for conquest. But as usual when an Israeli representative goes to the General Assembly rostrum, no sooner did Peres rise to speak than there was a vast exodus of Arab delegations and some of their Third World allies (Nicaragua among them). Among the Arabs, only Egypt stayed to listen.

THAT TELLS YOU more than you'd like to know about King Hussein. For years this supposedly brave little potentate has been saying he's afraid to meet the Israelis outside the context of an international conference. Well, here was an international conference, perhaps the biggest ever—the 40th-anniversary head-of-state jamboree at the U.N.—and Hussein didn't even have the nerve to instruct his diplomats to stay put in their seats while Peres spoke. This does not bode well. Still, some experts are saying that, after Arafat's "gaffe," the plucky monarch will now take the giant step. He'd better do it fast. He'll not have a more cooperative table companion than Shimon Peres, whose turn as head of the coalition government ends in a year.

LAST WEEK'S TNR carried an immensely moving essay by Nobel laureate Czeslaw Milosz on the imprisoned Polish writer Adam Michnik. Michnik is a philosopher and practitioner of nonviolence. The purity of his resistance and that of the movement he inspires should make us think of him as a Gandhi for the age. Certainly one would expect that at least those in our society who profess nonviolence would see him, untempted and untainted by hatreds, as a hero. Don't you ever wonder, then, why the American Friends Service Committee, for example, hasn't made itself a tribune for Michnik and the cause he represents? Could it be because his resistance and the resistance of the workers and intellectuals of Solidarity is against Communist Poland and Poland's real masters, the Soviet Union? The moral authority of pacifism in this country has long been on the wane. One reason is that the Quakers seem to exempt terrorists and revolutionary violence from their strictures against killing. Which is why instead of pushing Adam Michnik they've been pushing Yasir Arafat.

M.P.

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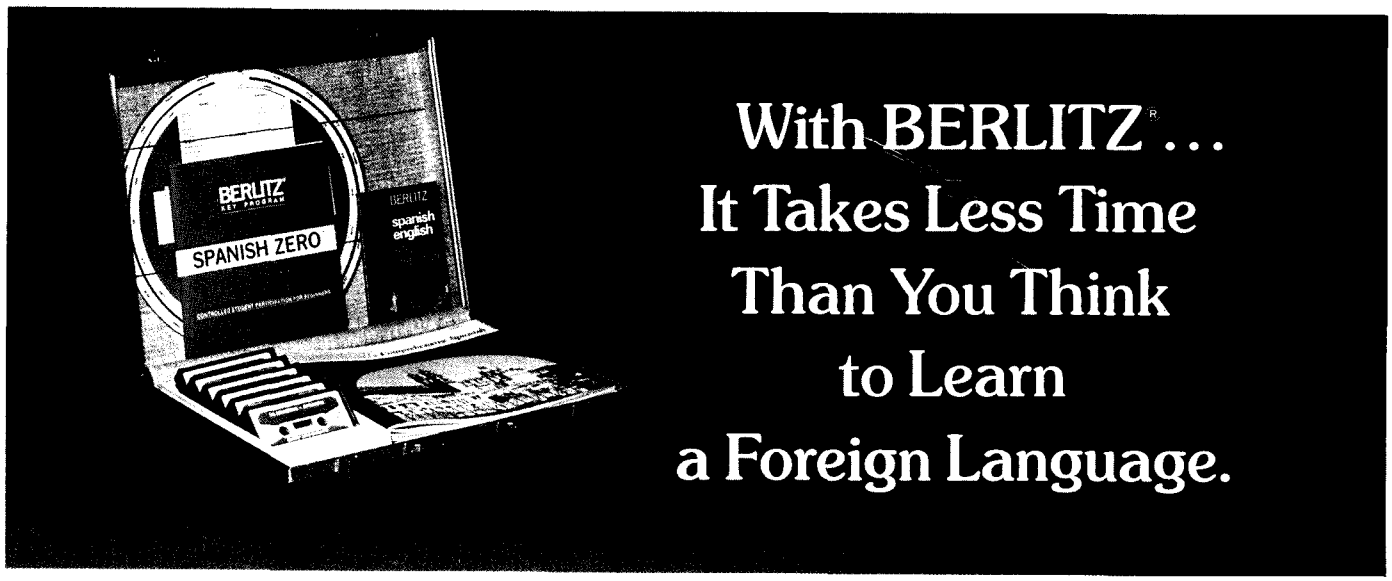

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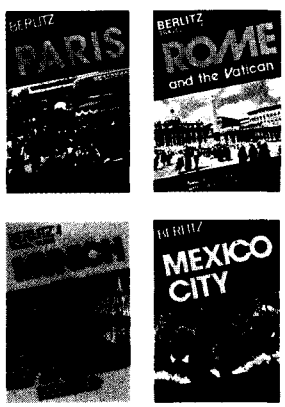

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